AN

ABRIDGMENT

OF

The Publick Statutes

NOW IN

FORCE and of general USE

FROM

The Eleventh year of King GEORGE II. to the firſt year of his preſent Majeſty King GEORGE III. inclusive: Being a ſupplement to the Abridgment of the late JOHN CAY, Eſq;

By HENRY BOULT CAY, Eſq;

LONDON:

Printed by MARK BASKETT, Printer to the King's moſt Excellent Majeſty; and by the Aſſigns of ROBERT BASKETT.

MDCCLXVI.

ADVERTISEMENT.

THIS Volume is a Supplement to the firſt edition of the Abridgment of the Statutes printed *A. D.* 1739, being a continuation of the Abridgment from that time to the year 1761, the period at which the ſecond edition is ended.——But this volume does not contain all that are now called *Public Acts*. For many ſtatutes are declared by an expreſs clauſe to be *Public Acts*, which are really of a private nature: ſuch as acts for making particular Turnpike roads, for building particular Bridges, Churches, County gaols, Hoſpitals, Workhouſes, *&c.* for making Rivers navigable, or eſtabliſhing ferries upon them; for making Harbours; for granting duties of exciſe to particular towns in *Scotland*; for paving ſtreets; or lighting and watching provincial towns; or erecting courts of conſcience in them, *&c.* Statutes of this kind are now extremely numerous; and to inſert them in any collection intended for public ſale, would very much increaſe both the bulk and the price of it; and would be of no uſe to the generality of purchaſers. For theſe reaſons it has been uſual ever ſince 25 *Geo.* 2. *A. D.* 1752. to omit theſe ſtatutes, even in the collection of the acts of each Seſſion, publiſhed every year.

Yet the ſtatute concerning the extenſive navigation of the river *Thames* is here abridged; as alſo the acts for eſtabliſhing courts of conſcience in the populous diſtricts in the neighbourhood of *London*. ——But it has been thought ſufficient to give only ſhort notes of the acts for draining Fens; and of the acts erecting new funds for the intereſt of the National debts.

It is proper here to make acknowledgment for the aſſiſtance received from Mr. *Swinton*'s accurate and judicious Abridgment of the Statutes relative to *Scotland*, publiſhed at *Edinburgh* in 1755, in two volumes *octavo*.

A

TABLE

OF

The Statutes Abridged.

WITH

The TITLES under which they are placed.

12 Geo. 2.

13 *Attornies.*
15 *King, &c.*
21 *Wool, &c.*
22 *Ireland.*
24 *Chancery.*
25 *Cordwainers.*
26 *Gold and silver.*
27 *Juſtices of gaol delivery.*
28 *Lotteries.*
29 *County rates.*
30 *Plantations.*
36 *Books.*

13 Geo. 2.

3 *Seamen.*
7 *Naturalization.*
8 *Manufactures.*
13 *King.*
17 *Seamen.*
18 *Certiorari, Franchiſes, County rates.*
19 *Horſes, Lotteries.*
20 *Parliament.*
21 *Coals.*
28 *Greenland.*

14 Geo. 2.

6 *Sheep.*
7 *Scotland* Corn.
10 *London.*
17 *Nonſuit.*
20 *Recoveries, Life eſtates.*
22 *Salt.*
24 *Fens.*
33 *Bridges, Vagrants.*
35 *Drapery.*
36 *Ruſſia.*
37 *Brokers.*
38 *Seamen.*
39 *Ships.*
41 *Coals.*
42 *Highways.*

15 Geo. 2.

1 *Malt.*
2 *Highways.*
13 *Bank.*
19 *Annuities, King.*
20 *Gold and ſilver.*
22 *Parliament.*
23 *Juſtices of peace.*
25 *Brandy.*
27 *Wool.*
28 *Money.*
30 *Ideots, &c.*
31 *Cuſtoms, India goods, Plantations.*
32 *Gunpowder.*
33 *Bent, Plantations.*
34 *Sheep.*

16 Geo. 2.

8 *Brandy.*
11 *Scotland* Parliament.
12 *Exchequer.*
13 *Annuities.*
15 *Felony.*
18 *Juſtices of peace.*
26 *Flax and hemp, Stamps.*
29 *Highways.*
30 *Recuſants.*
31 *Priſons.*

17 Geo. 2.

3 *Poor.*
5 *Vagrants.*
7 *Lancaſter.*
11 *Scotland* Miniſters.
17 *Brandy, Eaſt India company.*
18 *Annuities.*
29 *Paving, &c.*
30 *Linen.*
31 *Beads, Drugs.*
34 *Ships.*
35 *Coals.*
36 *Ships.*
37 *Poor.*

A TABLE of the ſtatutes abridged.

17 Geo. 2.

38 *Poor.*
39 *Treaſon.*
40 *Stores, Wines.*

18 Geo. 2.

9 *Annuities, Wines.*
15 *Phyſicians.*
17 *Ships.*
18 *Parliament.*
20 *Juſtices of peace.*
22 *Apprentices.*
24 *Linen.*
26 *Coffee, &c.*
27 *Linen.*
28 *Cuſtoms.*
30 *Piracy.*
31 *Seamen, Ships.*
33 *Coaches, &c. Paving, &c.*
34 *Horſes, Plays and games.*
36 *Linen.*

19 Geo. 2.

6 *Bank.*
7 *Scotland* Seſſion.
9 *Scotland* Treaſon.
12 *Annuities, Brandy, Glaſs.*
21 *Swearing.*
22 *Harbours.*
27 *Sailcloth.*
28 *Parliament.*
29 *King, &c.*
30 *Ships.*
32 *Bankrupt.*
34 *Cuſtoms.*
35 *Coals.*
37 *Inſurance.*
38 *Scotland* Nonconformiſts.
39 *Indemnity, Scotland* Arms, Juſticiary, Oaths, Schools.

20 Geo. 2.

3 *Annuities, Funds, Houſes, South Sea company.*
5 *Malt.*
10 *Annuities, Coaches.*
19 *Apprentices, Labourers.*
20 *Scotland* Title-deeds.
24 *Ships.*
30 *Treaſon.*
37 *Sheriffs.*
38 *Seamen.*
39 *Brandy.*
41 *Scotland* Forfeited eſtates.
42 *Houſes, Wales.*
43 *Scotland* Juriſdictions, Oaths.
44 *Naturalization.*
45 *Apprentices, Ships.*
46 *Treaſon.*
50 *Scotland* Tenures, Tailzie.
51 *Scotland* Arms, Tailzie.
52 *Pardon.*

21 Geo. 2.

2 *Annuities, Cuſtoms, Tobacco.*
10 *Houſes.*
12 *Juſtices of aſſiſe.*
14 *Coffee.*
17 *Scotland* Title deeds.

21 Geo. 2.

18 *Fens.*
19 *Scotland* Juriſdictions, Priſons, Sheriffs, Treaſon, Trial.
26 *Linen.*
28 *Carriage, Highways.*
29 *Orphans.*
30 *Cochineal, &c.*
34 *Scotland* Arms, Evidence, Oaths, Nonconformiſts, Schools, Treaſon.

22 Geo. 2.

3 *Ships.*
11 *Fens.*
16 *Fens.*
19 *Fens.*
21 *Scotland* Miniſters.
23 *Annuities.*
24 *Robbery.*
25 *Poſt office.*
27 *Manufactures.*
30 *Nonconformiſts.*
33 *Ships.*
36 *Gold.*
37 *Coals.*
38 *Gunpowder.*
44 *Soldiers.*
45 *Greenland, Naturalization.*
46 *Attornies, Cheſter, Nonconformiſts, Robbery.*
47 *Debt.*
48 *Scotland* Outlawry.
49 *London.*
52 *Seamen.*

23 Geo. 2.

1 *Annuities.*
9 *Silk.*
11 *Perjury.*
13 *Manufactures.*
16 *Annuities.*
20 *Silk.*
21 *Candles, Sailcloth, Scotland* Funds.
22 *Annuities.*
24 *Fiſh.*
25 *Chancery.*
26 *Attornies, Coals, Exchequer, Exciſe, Fiſh, Treſpaſs.*
27 *Debt.*
28 *Service and ſacraments.*
29 *Iron.*
30 *Debt.*
31 *African company.*
32 *Sailcloth.*
33 *Debt.*
34 *Ruſſia.*

24 Geo. 2.

2 *Annuities, South Sea company.*
4 *Bank.*
8 *Rivers.*
11 *South Sea company.*
18 *Juries, Niſi prius, Trial.*
23 *Calendar.*
24 *King.*
31 *Scotland* Linen.
34 *Scotland* Game.
40 *Brandy.*
41 *Tobacco.*
42 *Debt.*
43 *Coaches, Highways.*

A TABLE of the ſtatutes abridged.

24 Geo. 2.

44 *Juſtices of peace.*
45 *Clergy.*
46 *Linen.*
47 *Seamen.*
48 *Days in bank, London, Sheriff.*
51 *Plantations.*
53 *Plantations.*
55 *Juſtices of peace.*
56 *Corn.*
57 *Bankrupts.*

25 Geo. 2.

4 *Regiſter.*
6 *Wills.*
9 *Scotland* Edinburgh.
10 *Felony.*
14 *Wool.*
19 *Wool.*
20 *Scotland* Tenures.
27 *Annuities.*
29 *Coroner.*
30 *Calendar, London.*
32 *Drugs.*
35 *Stores.*
36 *Advertiſement, Bawdy-houſes, Felony, Plays and games, Vagrants.*
37 *Murder.*
39 *Naturalization.*
40 *African company.*
41 *Scotland* Forfeited eſtates.

26 Geo. 2.

2 *Game.*
3 *Salt.*
6 *Plague.*
8 *Wool.*
9 *Fiſh.*
11 *Wool.*
12 *Wine.*
13 *Brandy, Poſt-office, Tobacco.*
14 *Juſtices of peace.*
15 *Corn, Scotland* Corn.
16 *South Sea company.*
17 *Scotland* Houſes.
18 *Turky company.*
19 *Wreck.*
20 *Scotland* Linen.
21 *Silk.*
22 *Libraries.*
25 *Ships.*
27 *Juſtices of peace.*
28 *Highways.*
29 *Scotland* Arms, Forfeited eſtates.
30 *Highways.*
31 *Alehouſes.*
32 *Candles, Sailcloth, Salt.*
33 *Marriages.*
34 *Cheſter, Vagrants.*
36 *Scotland* Edinburgh.

27 Geo. 2.

2 *Malt.*
3 *Evidence, Priſons.*
6 *Stannaries.*
7 *Clocks and watches.*
9 *Eaſt India company.*
11 *Brandy, Money.*
15 *Felony.*
16 *Coaches, &c. Debt, Juſtices of peace, Libraries.*
17 *Priſons.*
19 *Fens.*
20 *Juſtices of peace.*

28 Geo. 2.

1 *Soldiers.*
6 *Mortuaries.*
7 *Scotland* Juriſdictions.
9 *Southwark.*
12 *Game.*
14 *Fiſh.*
15 *Annuities.*
17 *Highways.*
19 *Alehouſes, Foreſts.*
20 *Greenland.*
21 *Cuſtoms.*

29 Geo. 2.

5 *Plantations.*
7 *Annuities, Lotteries.*
8 *Plague.*
9 *Fens.*
12 *Alehouſes, Scotland* Alehouſes, *Stamps.*
13 *Stamps.*
14 *Gold and ſilver.*
15 *Linen.*
16 *Gunpowder.*
17 *Foreign ſtates.*
19 *Juries.*
21 *Fens.*
22 *Fens.*
23 *Scotland* Fiſhery.
25 *London, &c.*
27 *Ships.*
30 *Felony.*
31 *Leaſes.*
33 *Wool.*
35 *Plantations.*
36 *Woods.*
39 *London, &c.*
40 *Bridges.*

30 Geo. 2.

9 *Plantations.*
12 *Wool.*
16 *Iron.*
18 *Cuſtoms.*
19 *Annuities, Coals, Funds, Stamps, Wine.*
21 *Fiſh.*
22 *Coaches, &c.*
24 *Brokers, &c. Falſe tokens, Plays and games.*
28 *Highways.*
29 *Cuſtoms.*
30 *Fiſh.*
32 *Fens.*
33 *Fens.*
35 *Fens.*
36 *Fens.*

31 Geo. 2.

10 *Seamen.*
11 *Labourers, Poor.*
12 *Drugs.*
14 *Parliament.*
15 *Coals.*
16 *Scotland* Forfeited eſtates.
17 *London, &c.*

A TABLE of the ſtatutes abridged.

31 Geo. 2.

18 *Fens.*
19 *Fens.*
20 *Bridges.*
22 *Annuities, Forgery, Houſes, Taxes.*
25 *London, &c.*
28 *Victuals.*
29 *Bread.*
31 *Sweets.*
32 *Gold and ſilver.*
34 *Highways.*
35 *Drugs.*
36 *Brandy.*
39 *Fortifications.*
40 *Cattle, Hay.*
41 *Woods.*

32 Geo. 2.

1 *Victuals.*
6 *Debt.*
10 *Annuities, Coffee, &c. Cuſtoms.*
11 *Cattle.*
12 *Tallow.*
13 *Fens.*
14 *Sheriffs.*
15 *Scotland* Highways.
16 *Ships.*
17 *Exciſe.*
18 *Bread.*
19 *Wine.*
22 *Annuities, Funds.*
23 *Apprentices.*
24 *Gold and ſilver.*
27 *Coals.*
28 *Priſons, &c.*
29 *Brandy.*
30 *Fortifications.*
32 *Linen.*
33 *Taxes.*
34 *Turky company.*

32 Geo. 2.

35 *Juſtices of both benches, Scotland* Courts, *Stamps.*

33 Geo. 2.

7 *Annuities, Malt.*
9 *Brandy, Exciſe.*
10 *Cornwall.*
11 *Fortifications.*
12 *Annuities.*
13 *Papiſts.*
15 *Coals.*
18 *Exchequer.*
19 *Ships.*
20 *Parliament.*
21 *Exchequer.*
23 *Exchequer, Taxes.*
27 *Fiſh.*
28 *Brandy.*
29 *Oaths.*
30 *Fire, Paving.*
32 *Fens.*

Stat. 1 Geo. 3.

1 *King, &c.*
5 *King, &c.*
7 *Annuities, Exciſe.*
10 *Tallow.*
13 *Juſtices of peace.*
14 *Eaſt India company.*
17 *Debt.*
18 *Exchequer.*
19 *Funds.*
20 *Attornies, Exchequer.*
21 *Scotland* Game.
23 *Juſtices of both benches.*

A N

AN

ABRIDGMENT

OF THE

PUBLICK STATUTES

Now in FORCE and of general USE

FROM

The eleventh year of King GEORGE II. to the firſt year of his preſent Majeſty King GEORGE III. inclusive.

Advertiſement.

I. **Stat.** 25 *Geo.* 2. *cap.* 36. *ſect.* 1. ANY perſon publicly advertiſing a reward with no queſtions aſked, for the return of things ſtolen or loſt; or making uſe of any words in ſuch public advertiſement, purporting, that ſuch reward ſhall be given without ſeizing or making enquiry after the perſon producing ſuch thing ſo ſtolen or loſt; or promiſing or offering, in any ſuch public advertiſement, to return to any perſon, who may have bought or advanced money by way of loan upon ſuch thing ſo ſtolen or loſt, the money ſo paid or advanced, or any other ſum or reward for the return of ſuch thing; and any perſon printing or publiſhing ſuch advertiſement; ſhall reſpectively forfeit fifty pounds for every ſuch offence, to any perſon who will ſue for the ſame.

For recovery of the penalties, &c. *See ſect.* 13. **Plays and games.**

African company.

I. **Stat.** 23 *Geo.* 2. *cap.* 31. *ſect.* 1. It ſhall be lawful for all his Majeſty's ſubjects to trade to and from any place in *Africa*, between the port of *Sally* in *South Barbary*, and the cape of *Good Hope*.

II. *Sect.* 2. All his Majeſty's ſubjects, who ſhall trade to or from any of the ports of *Africa*, between cape *Blanco* and the cape of *Good Hope*, ſhall be a body corporate, by the name of *The company of merchants trading to* Africa; and ſhall have perpetual ſucceſſion, and a common ſeal.

III. *Sect.* 3. All the *Britiſh* forts, ſettlements, and factories, on the coaſt of *Africa*, beginning at cape *Blanco*, and extending to the cape of *Good Hope* incluſive, and all other places lying within the aforeſaid limits, and the iſlands adjoining, which are now claimed by the royal *African* company of *England*, or which may be hereafter in the poſſeſſion of the company hereby eſtabliſhed, ſhall (after the paſſing an act for diveſting the *African* company of their charter, and property on the coaſt of *Africa*, merchandizes excepted) be veſted in the new company eſtabliſhed by this act, and their ſucceſſors, to be employed only for the protection of the trade.

IV. *Sect.* 4. It ſhall not be lawful for the company eſtabliſhed by this act to trade to or from *Africa* in their corporate capacity, or to have any joint or transferrable ſtock, or to borrow any money on their common ſeal.

V. *Sect.* 5. The management of the affairs of the company hereby eſtabliſhed ſhall be by a committee of nine perſons, to be choſen annually, who are to meet as often as neceſſary, in the city of *London*; and the committee-men, or five of them, or the major part ſo aſſembled, ſhall, after the paſſing ſuch act for diveſting the *African* company of their charter and property on the coaſt of *Africa*, or before the paſſing ſuch act, ſo far as the ſaid *African* company ſhall conſent, have power to make orders for the maintaining and improving the forts and factories built, or to be built, within the limits aforeſaid, and to appoint governors, or other officers, and them to remove, and to make regulations for the better government of them abroad, and to take ſecurity for their good behaviour; ſo as no regulations, made by the ſaid committee, lay any reſtraint on the trade to or from *Africa*.

VI. *Sect.* 6. Perſons intending to trade to or from *Africa*, who, in order to be admitted into the freedom of the ſaid company, ſhall, on or before the 30th of *June* 1750, have paid to the chamberlain of *London* 40*s.* each, ſhall meet on the 10th of *July* 1750, in the *Guildhall* of the ſaid city, and ſhall chooſe three perſons; and ſuch traders who ſhall, on or before the ſaid 30th of *June* 1750, have paid to the clerk of the merchants hall in *Briſtol* 40*s.* each, ſhall aſſemble on the 10th of *July* 1750 in *Briſtol*, and chooſe three other perſons; and ſuch traders who ſhall, on or before the ſaid 30th of *June* 1750, have paid to the town clerk of *Liverpool* 40*s.* each, ſhall aſſemble on the ſaid 10th of *July* 1750, in the town hall of *Liverpool*, and chooſe three other perſons; and the nine perſons ſo choſen ſhall be the firſt annual committee for managing the affairs of the ſaid company, and ſhall continue in office for one year, and until others be choſen.

VII. *Sect.* 7. In all future elections, the ſaid committee of nine ſhall on the 3d of *July* in every year, be nominated as follows; *viz.* three by the major part of the freemen of the ſaid company in *London*; three others by the major part of the freemen in *Briſtol*; and three others by the major part of the freemen in *Liverpool*.

VIII. *Sect.* 8. It ſhall be lawful for the major part of the freemen of the ſaid company at *London*, aſſembled at *London*, to chooſe one or more committee-men, in the place of any of the committee-men by them choſen, that ſhall die, be removed, or refuſe to act; and for the major part of the freemen at *Briſtol*, aſſembled at *Briſtol*, to chooſe one or more in the place of any of the committee-men by them choſen, that ſhall die, *&c.* and for the major part of the freemen at *Liverpool*, aſſembled at *Liverpool*, to chooſe one or more in the place of any of the committee-men by them choſen, that ſhall die, *&c.* and notice ſhall be inſerted in the *London Gazette*, previous to every ſuch election, by the committee for managing the affairs of the ſaid company, of the time and place of ſuch election, ten days before the time appointed.

IX. *Sect.* 9. In caſe at the time appointed for the elections of committee-men, the traders admitted to their freedom, in any of the ſaid towns reſpectively, ſhall neglect to proceed to ſuch choice, ſuch other perſons, choſen by the traders admitted to their freedom in the other of the ſaid towns, though leſs in number than nine, may act as the committee until the next annual election; and all elections of committee-men ſhall be determined by the majority of votes preſent; and where the 3d of *July* ſhall happen on a *Sunday*, the annual election ſhall be on *Monday* the 4th of *July*.

X. *Sect.* 10. In caſe of an equality of votes, the lord mayor of *London*, the mayor of *Briſtol*, and the mayor of *Liverpool* reſpectively, ſhall determine which of ſuch perſons ſhall be the committee-man.

XI. *Sect.* 11. The ſaid committee for managing the affairs of the ſaid new company, ſhall meet, for the firſt time, on the firſt *Monday* in *Auguſt* 1750, and ſhall then ſettle the manner of their future meetings, and of the notices for that purpoſe; and no order of the ſaid committee, to which all the members preſent ſhall not be conſenting, ſhall be valid, unleſs confirmed at a ſubſequent meeting, at which all the members ſhall be preſent, or of which, ſuch as ſhall be abſent, ſhall have had the uſual notice.

XII. *Sect.* 12. On every meeting, when ſo many as are neceſſary to make a committee, ſhall be preſent, before they enter upon buſineſs, a chairman ſhall be choſen by lot out of

the committee-men preſent; who ſhall not give his vote that day on any queſtion, unleſs there be an equality of votes: and to prevent any of the committee-men from being deſignedly abſent when a chairman is to be choſen, every committee-man, who ſhall not be preſent at the choice of the chairman, ſhall not vote on any queſtion that day; but ſhall be at liberty to be preſent, and give his opinion; and all matters, decided by a plurality of votes of ſuch committee-men as ſhall be intitled to vote, ſhall be deemed decided by a majority of committee-men preſent.

XIII. *Sect.* 13. Such of his Majeſty's ſubjects who ſhall, on or before the 30th of *June* 1750, pay to the chamberlain of *London*, the clerk of the merchants hall in *Briſtol*, or the town clerk of *Liverpool*, reſpectively, the ſum of 40*s.* each, for their freedom in the ſaid company, ſhall be the firſt freemen of the ſaid new company eſtabliſhed by this act: and after the ſaid 30th of *June* 1750, any other of his Majeſty's ſubjects, trading or intending to trade to or from *Africa*, ſhall be admitted a freeman of the ſaid company at *London*, *Briſtol* or *Liverpool*, upon his payment of 40*s.* for the ſame, to ſuch perſon as the committee ſhall appoint in *London*, *Briſtol* or *Liverpool*, reſpectively.

XIV. *Sect.* 14. No perſons ſo admitted, after the 30th of *June* 1750, ſhall vote for the election of any committee-man, until one year after.

XV. *Sect.* 15. The chamberlain of *London*, the clerk of the merchants hall in *Briſtol*, the town clerk of *Liverpool*, and perſons appointed to receive the ſaid ſums of 40*s.* for the admiſſion of freemen, ſhall, upon receiving the ſame, ſign and deliver a certificate to the perſon paying the ſame, certifying his having paid the ſum of 40*s.* for being admitted into the freedom of the ſaid company; for which certificate there ſhall be paid to the perſon appointed 2*s.* 6*d.* and the names and places of abode of every perſon paying the ſaid 40*s.* ſhall be entered in a book, which the perſon receiving the ſame is to keep.

XVI. *Sect.* 16. The chamberlain of *London*, the clerk of the merchants hall at *Briſtol*, and the town clerk of *Liverpool*, ſhall reſpectively pay over the ſeveral ſums of 40*s.* which ſhall have been paid to them for freedoms, to ſuch perſon whom the committee of the ſaid company ſhall appoint; and, at the ſame time, deliver over the books, in which the perſons who have paid the ſaid ſums ſhall have been entered.

XVII. *Sect.* 17. The perſons appointed by the ſaid committee at *London*, *Briſtol*, and *Liverpool*, to receive the ſaid ſums of 40*s.* ſhall annually, or oftener, if required by the ſaid committee, pay over all ſuch ſums, together with liſts of the perſons from whom they ſhall have reſpectively received the ſame, to the ſaid committee, or as they ſhall direct.

XVIII. *Sect.* 18. A liſt ſhall be kept at the office where the ſaid committee ſhall tranſact their buſineſs in *London*, of the names and places of abode of all perſons admitted into the freedom of the ſaid company, diſtinguiſhing the place where each perſon was admitted; which liſt ſhall annually, ten days before the annual elections, be printed and delivered, without fee, to ſuch freemen who ſhall deſire the ſame.

XIX. *Sect.* 19. No perſon ſhall be choſen or act as a committee-man above three years ſucceſſively: and two or more perſons, who ſhall be in copartnerſhip in trade, ſhall not be choſen or act as committee-men during the ſame year: and the ſaid nine perſons, or any of them, ſhall not, during ſuch time as they ſhall be of the committee, trade jointly or in copartnerſhip to *Africa*, or lade any goods on board the ſame ſhip, in which any one of the ſaid nine committee-men ſhall, for that voyage, have before laden goods to be carried to *Africa*.

XX. *Sect.* 20. The ſaid committee ſhall, from time to time, inveſt ſuch part of the money in their hands as they ſhall judge neceſſary, in the purchaſe of goods and ſtores, which, after the ſame are inſured, are to be ſent to *Africa* to be ſold, and applied for the ſole uſe of the forts and ſettlements there, and for the payment of the ſalaries to the officers and perſons employed for preſerving the ſaid forts and ſettlements; but it ſhall not be lawful for the ſaid committee to export from *Africa* any negroes or other goods, in return for the ſaid goods they ſhall ſo export from *Great Britain*, or in any other manner to carry on any trade to or from *Africa*: and an account of the ſaid committee's receipts and payments ſhall be kept in a book; which ſhall be open at the office where the ſaid committee ſhall tranſact buſineſs in *London*, to be peruſed by any perſon admitted to the freedom of the ſaid company, without fee.

XXI. *Sect.*

XXI. *Sect.* 21. The commiſſioners for trade and plantations are, in caſe any of the ſaid committee-men, or any officer or ſervant appointed by them, ſhall be guilty of any miſbehaviour contrary to this act, to remove any of the ſaid committee-men, officers or ſervants, from their employments, giving notice of ſuch removal, and ſpecifying the cauſes thereof to the ſaid committee; and when a committee-man ſhall be ſo removed, the ſaid committee ſhall give notice to the mayor of the city or town by whom he was choſen to elect another; and if an officer or ſervant ſhall be ſo removed, the ſaid committee are to appoint another in his room.

XXII. *Sect.* 22. Whenever any committee-man ſhall be charged with miſbehaviour, the commiſſioners for trade and plantations, ſhall ſummon him to appear before them, and upon his attendance or default, examine into the charge, before they ſhall remove him.

XXIII. *Sect.* 23. The ſaid committee ſhall render an account of their tranſactions once a year, to the commiſſioners for trade and plantations, or oftener, if thereunto required by the ſaid commiſſioners, or any three of them; in which ſhall be contained an account of all the monies received and diſburſed, and of all the orders given, as well to their officers and ſervants in *Great Britain*, as on the coaſt of *Africa*, and the anſwers thereto; and of all other things tranſacted by the ſaid committee.

XXIV. *Sect.* 24. The ſaid committee, out of the monies they ſhall receive, ſhall deduct annually a ſum not exceeding 800*l.* for defraying in the firſt place, the ſalaries of their clerks and agents at *London*, *Briſtol*, and *Liverpool*, the houſe-rent of their office in *London*, and charges of management in *England*; and the reſidue ſhall be ſhared amongſt themſelves, as they ſhall judge proper, as a compenſation for their trouble; and the reſt of the monies which the ſaid committee ſhall receive, ſhall be applied to the maintenance and improvement of the forts and ſettlements built, or to be built, on the coaſt of *Africa*, in the poſſeſſion of the ſaid company; and for providing ammunition and other ſtores, and officers and ſoldiers to defend the ſame; and for paying the ſaid officers and ſoldiers. *See* 4 *Geo.* 3. *c.* 20. § 2.

XXV. *Sect.* 25. The ſaid committee ſhall, within one month after the expiration of the year for which they ſhall have been choſen, lay before the curſitor baron of the *exchequer*, an account of all the money received by them during the preceding year, and of the application thereof, upon oath; and the ſaid curſitor baron ſhall, within one month after the account laid before him, audit the ſame, and examine any of the ſaid committee-men, and ſuch other perſons as he ſhall judge neceſſary, upon oath, touching ſuch account; which account, ſo audited and paſſed by the curſitor baron, ſhall be concluſive, and ſhall be a diſcharge to the ſaid committee-men; and the ſaid committee ſhall, every ſeſſion of parliament, lay before the parliament a copy of ſuch account, and of all orders made by them in the preceding year, relating to the ſaid forts and ſettlements, or the government of their officers or ſervants; and copies of ſuch account and orders ſhall be annually laid before a general meeting of the members of the ſaid company in *London*, *Briſtol* and *Liverpool* reſpectively, of which 14 days notice ſhall be given in the *London Gazette*.

XXVI. *Sect.* 26. No perſon employed by the ſaid committee, at any of the forts or ſettlements built or to be built in *Africa*, ſhall at any time obſtruct any of his Majeſty's ſubjects in trading; and the forts, warehouſes and buildings, erected or to be erected by the ſaid company, ſhall at all times be free to all his Majeſty's ſubjects, to be uſed as warehouſes for depoſiting gunpowder, gold, elephants teeth, wax, gums and drugs, and no other goods.

XXVII. *Sect.* 27. Provided that the ſaid forts, warehouſes and buildings, ſhall, in caſe of neceſſity or danger, be free to all his Majeſty's ſubjects, for the ſafety of their perſons, and ſecurity of all their effects.

XXVIII. *Sect.* 28. It ſhall be lawful for any of his Majeſty's ſubjects trading to *Africa*, for the ſecurity of their goods or ſlaves, to erect houſes and warehouſes under the protection of the ſaid forts, or elſewhere in any other part of *Africa* within the limits aforeſaid, which houſes and warehouſes ſhall be the property of the perſons who build the ſame; but ſhall not be diſpoſed of, or let to any foreigner.

XXIX. *Sect.* 29. No maſter of any ſhip trading to *Africa* ſhall, by fraud or force, or by any other indirect practice, take on board, or carry away from the coaſt of *Africa*, any negro or native of the ſaid country, or commit or ſuffer any violence on the

the natives to the prejudice of the trade; and every perſon ſo offending ſhall forfeit 100*l.* one moiety to the uſe of the company, and the other moiety to him who ſhall inform.

XXX. *Sect.* 30. The commiſſioners of the admiralty ſhall give inſtructions to the captains of ſuch ſhips of war as ſhall be ſtationed or cruiſe within the limits aforeſaid, to inſpect and report to them the condition in which the ſaid forts and ſettlements ſhall be; and the officers of ſuch forts are to permit ſuch captains to inſpect the ſame; and copies of ſuch reports ſhall every ſeſſion be laid before parliament.

XXXI. *Sect.* 31. Such commiſſion officers of his Majeſty's navy as the commiſſioners of the admiralty ſhall appoint, ſhall examine the condition of the forts and ſettlements on the coaſt of *Africa*, in the poſſeſſion of the ſaid royal *African* company, and of the number of ſoldiers therein, and alſo the condition of the military ſtores, caſtles, ſlaves, canoes, and other veſſels and things belonging to the ſaid company, and neceſſary for the ſaid forts and ſettlements, and ſhall report how they find the ſame to the ſaid commiſſioners of the admiralty; and the ſaid company, and their officers and ſervants, are to permit the ſaid officers of the navy to make ſuch inſpection and to aſſiſt them therein; a copy of which report ſhall be laid before parliament at the beginning of the next ſeſſion.

XXXII. *Sect.* 32. The accountant general of the court of *chancery*, and ſuch two of the other maſters of the ſaid court as the lord chancellor ſhall nominate, ſhall be commiſſioners for examining into the claims of the creditors of the ſaid royal *African* company: and ſuch commiſſioners, or two of them, are, by the examination of the parties intereſted, or the teſtimony of witneſſes upon oath, or by the inſpection of the books, deeds, writings, and accounts of the ſaid company, and their creditors or otherwiſe, to examine into the ſaid claims, and to ſtate how and when the ſame were incurred, and for what conſideration, with their opinion of the juſtneſs of ſuch debts; and all the creditors of the ſaid company are, on or before the times hereafter limited, to deliver in writing under their hands, or the hands of perſons by them authorized, unto ſuch officer and at ſuch place in *London*, as the commiſſioners, or two of them ſhall appoint, of which notice ſhall be given in the *London Gazette*, an account of their claims upon the ſaid company, with a copy of the ſecurities by which they claim; and ſuch of the creditors as reſide in *Great Britain* or *Ireland*, ſhall make their claims on or before the 30th of *Auguſt* 1750, and ſuch as are reſident on the coaſt of *Africa*, or elſewhere beyond the ſeas, on or before the 30th of *December* 1750, and the directors and officers of the ſaid company, and all other perſons whom the ſaid commiſſioners, or two of them, ſhall think fit to examine, are to attend at all ſuch times and places as the commiſſioners ſhall under their hands appoint, and to give the beſt information they can touching the ſaid claims, and to produce all books, papers, deeds or records, relating thereto, in their power, as the commiſſioners ſhall direct; and the commiſſioners, or two of them, are to adminiſter an oath, for the better diſcovery of the facts touching which ſuch examination ſhall be made; and they are to finiſh their examinations of the claims of creditors who reſide in *Great Britain* or *Ireland*, at the fartheſt, on or before the 31st of *January* 1750, and of the claims of creditors who reſide in *Africa*, or any other parts beyond the ſeas, on or before the 28th of *February* 1750, [*the time was enlarged to* 12th Jan. 1751. *by* 24 Geo. 2. cap. 49.] and the commiſſioners ſhall lay accounts of their proceedings before the parliament.

XXXIII. *Sect.* 33. In caſe any perſon ſummoned to appear before the commiſſioners ſhall wilfully neglect or refuſe to appear and be examined, or ſhall not fully anſwer, or refuſe or wilfully neglect to produce all books of accounts and writings in their power, relating to the matters to be inquired into, it ſhall be lawful for the commiſſioners, or two of them, by warrant to commit him to ſuch priſon, as they ſhall think fit, until he ſhall ſubmit and produce ſuch books of accounts and writings upon oath, and full anſwer make to the ſatisfaction of the commiſſioners; and the commiſſioners, where any perſon ſhall be by them committed for refuſing to anſwer, or not fully anſwering any queſtion put to him by word of mouth, or upon interrogatories, ſhall in their warrants of commitment ſpecify ſuch queſtion.

XXXIV. *Sect.* 34. The ſaid royal *African* company, their directors, officers and ſervants, and every of them, ſhall for one year, from the 17th of *March* 1749, be

reſtrained from aſſigning or diſpoſing of their military ſtores, ammunition, ſlaves, canoes, veſſels, and things neceſſary for the uſe or defence of their forts and ſettlements; and all actions depending, or to be commenced for any debt due from the ſaid company, or from any perſon in reſpect of any debt contracted on behalf of the ſaid company, ſhall be ſtayed for one year, from the ſaid 17th of *March* 1749.

XXXV. *Sect.* 36. The expences of obtaining this act ſhall be paid by the committee for managing the affairs of the new company, out of the firſt monies they ſhall receive for the admiſſions of freemen; and the expences of the ſaid commiſſioners, their officers and ſervants, and of the inquiry in purſuance of this act, ſhall be defrayed, in the firſt place, out of ſuch compenſation as ſhall be hereafter granted by parliament, on the ſaid royal *African* company's being diveſted of their charter and effects.

XXXVI. *Sect.* 37. The penalties inflicted by this act may be recovered by action of debt, *&c.* in any court of record at *Weſtminſter*, or in any of the courts of his Majeſty's plantations in *America*, wherein no eſſoin, *&c.* ſhall be allowed; and every offence which any perſon ſhall be guilty of on the high ſea, or on ſhore, within the limits before-mentioned, contrary to this act, ſhall be enquired of in the *King's Bench* at *Weſtminſter*, or before ſuch commiſſioners, and in ſuch county of this realm, as ſhall be aſſigned by his Majeſty's commiſſion, and by a jury of the ſame county.

XXXVII. *Sect.* 38. If any action ſhall be brought for any thing done in purſuance of this act, the defendant may plead the general iſſue.

XXXVIII. *Sect.* 39. This act ſhall be deemed a public act.

XXXIX. **Stat.** 25 *Geo.* 2. *cap.* 40. *ſect.* 1. The royal *African* company of *England, incorporated by letters patent of King* Charles II. after the 10th of *April* 1752, ſhall be diveſted of their charter, lands, forts, caſtles and military ſtores, canoe men, caſtle ſlaves, and all other their effects; and all the *Britiſh* forts, lands, caſtles, ſettlements and factories, on the coaſt of *Africa*, beginning at *Port Sally* and extending from thence to the cape of *Good Hope* incluſive, granted to the ſaid company by the ſaid charter, or ſince erected or purchaſed by them; and all other the dominions, ports, bays, rivers and places, within the aforeſaid limits, and the iſlands near adjoining to thoſe coaſts, and comprehended within the limits deſcribed by the ſaid charter; and which are or have been in the poſſeſſion of or claimed by the ſaid royal *African* company of *England*; together with the cannon and other military ſtores, canoe men, caſtle ſlaves, at the ſaid forts and factories, mentioned in the firſt ſchedule to this act annexed; and all agreements made by, for, or on behalf of the ſaid royal *African* company, with any of the kings or natives of any countries on the ſaid coaſts, and all other the property of the ſaid royal *African* company, ſhall be veſted in the corporation called *The company of merchants trading to* Africa, and their ſucceſſors, diſcharged of all claims of the ſaid royal *African* company of *England*, and their creditors, and of all perſons claiming under them.

XL. *Sect.* 2. The diveſting the ſaid royal *African* company of *England* of their charter, and veſting the ſaid forts, ſettlements, factories, and premiſſes in the ſaid company of merchants trading to *Africa*, ſhall not extend to give the ſaid company of merchants trading to *Africa*, or their committee, any other right or powers, than as are given them by the 23 *Geo.* 2. *cap.* 31.

XLI. *Sect.* 3. *Bance Iſland*, deſerted by the ſaid royal *African* company in 1728, ſhall continue veſted in *Alexander Grant*, *John Sargent*, and *Richard Oſwald*, their heirs and aſſigns, to their own uſe.

XLII. *Sect.* 4. Provided it ſhall not be lawful for them to alienate their right therein to any foreigners.

XLIII. *Sect.* 5. It ſhall be lawful for the ſaid company of merchants, and their ſucceſſors or their committee, with the conſent of the commiſſioners for trade and plantations, to authorize perſons any where in *Africa* to raiſe, arm, train and muſter military forces, and to execute and uſe within the ſaid forts, caſtles, factories and ſettlements, ſuch rules for the defence of the ſaid places, and for the puniſhment of offences, as ſhall be given them by the ſaid company of merchants, or their committee, with the conſent of the commiſſioners for trade and plantations, ſo as ſuch puniſhment ſhall

not

not extend to the loſs of life or limb; and it ſhall be lawful for the perſons, authorized as aforeſaid, to ſend over in confinement any offenders, to be here tried according to the laws of this kingdom.

XLIV. *Sect.* 6. It ſhall be lawful for the ſaid company of merchants trading to *Africa*, or their committee, with the conſent of the commiſſioners for trade and plantations, to conſtitute courts of judicature, at ſuch places upon the ſaid coaſt, as the ſaid company ſhall direct, for determining all cauſes that ſhall ariſe there, on account of mercantile or maritime bargains, or bills, bonds, or promiſes for payment of money, or mercantile contracts.

XLV. *Sect.* 7. His Majeſty ſhall have power at his pleaſure, by his ſign manual, to revoke all ſuch powers given to any perſons, for raiſing military forces, and all ſuch rules, and to grant all military powers on the ſaid *African* coaſt, and eſtabliſh ſuch regulations as he ſhall think fit; and to revoke all ſuch courts of juſtice, and to eſtabliſh other courts.

XLVI. *Sect.* 8. All the agreements made by the ſaid royal *African* company of *England*, with any of the kings, princes, or natives of any countries on the ſaid coaſt, and all deeds, writings, and books of account, belonging to the ſaid company, ſhall, on or before the 10th of *April* 1752, be delivered by the ſaid royal *African* company of *England*, or their agents, and all perſons who have the cuſtody of them, to the ſaid company of merchants trading to *Africa*, together with an inventory, to be by them kept, for the protection of the trade and ſettlements; and the ſaid company of merchants trading to *Africa*, are to produce to the commiſſioners hereafter mentioned, ſuch of the ſtock, leidger, and transfer books of the ſaid royal *African* company, as they ſhall require.

XLVII. *Sect.* 9. To make compenſation to the royal *African* company of *England*, for their charter and effects, out of the ſupplies granted to his Majeſty in this ſeſſion of parliament, there ſhall be applied 112,142 *l.* 3 *s.* 3 *d.* without account, to ſuch perſons as is herein after directed.

XLVIII. *Sect.* 10. Out of the ſaid 112,142 *l.* 3 *s.* 3 *d.* the commiſſioners of the treaſury ſhall iſſue 1,695 *l.* 3 *s.* to *Richard Edwards* Eſquire and *Edmund Sawyer* Eſquire, two of the maſters of *chancery*, and *John Waple* Eſquire, one other of the maſters, and accountant general of the ſaid court, being the commiſſioners appointed to examine the claims of the creditors of the ſaid royal *African* company, by 23 *Geo.* 2. *cap.* 31. for their trouble and the expences of executing the ſaid commiſſion.

XLIX. *Sect.* 11. Out of the ſaid 112,142 *l.* 3. *s.* 3 *d.* the further ſum of 84,652 *l.* 12 *s.* 7 *d.* ſhall be paid to the creditors mentioned in the ſecond ſchedule to this act annexed.

L. *Sect.* 12. Out of the ſaid 112,142 *l.* 3 *s.* 3 *d.* the ſum of 23,688 *l.* 15 *s.* 5 *d.* ſhall be paid to the perſons named in the third ſchedule to this act annexed, being ſuch of the proprietors of *African* transferrable ſtock as were poſſeſſed of the ſame on the 31st of *December* 1748, computed at 10 *per cent.* on the ſaid ſtock.

LI. *Sect.* 13. The ſum of 2,105 *l.* 12 *s.* 3 *d.* reſidue of the ſaid 112,142 *l.* 3 *s.* 3 *d.* ſhall be paid to the perſons named in the fourth ſchedule to this act annexed, being ſuch of the proprietors of *African* transferrable ſtock as have become poſſeſſed of the ſame ſince the ſaid 31st of *December* 1748, computed at 5 *per cent.* on the ſaid ſtock.

LII. *Sect.* 14. After the ſaid 10th of *April* 1752, the ſaid royal *African* company of *England* ſhall ceaſe to be a corporation, and all demands againſt them or their officers, or other perſons, in reſpect of any debt due from the ſaid company, are declared to be void; and if any action is now depending, or ſhall hereafter be commenced for any ſuch demands, it ſhall be lawful to plead the general iſſue, and give this act in evidence in bar thereto; and if the plaintiff be nonſuited, *&c.* the defendant ſhall have full coſts.

LIII. *Sect.* 15. The ſaid *Richard Edwards* Eſquire and *Edmund Sawyer* Eſquire, two of the maſters of *chancery*, and *John Waple* Eſquire, one other of the maſters, and accountant general of the ſaid court, or ſuch other of the maſters of *chancery* as may be hereafter appointed, ſhall be commiſſioners for making out and delivering certificates to the creditors of the ſaid royal *African* company of *England*, and the proprietors of their ſtock, and for other purpoſes in this act contained, for two years

from the 1st of *January* 1752, and the ſaid commiſſioners, or two of them, are to make out under their hands, and deliver to the creditors of the ſaid company mentioned in the ſecond ſchedule, and to the ſeveral proprietors of *African* transferrable ſtock mentioned in the third and fourth ſchedules to this act annexed, certificates of what is allowed them reſpectively, and to take receipts in ſatisfaction of all their demands on the ſaid company; in each of which certificates it ſhall be lawful to include as many of the ſaid creditors and proprietors, whoſe demands ſhall be reſpectively under 100*l.* as the commiſſioners think fit; and ſhall make all ſuch their reſpective certificates in the names of the attornies of the ſaid creditors or proprietors for their uſe; provided ſuch letters of attorney be executed in the preſence of one of the commiſſioners, or as they ſhall direct.

LIV. *Sect.* 16. In caſe any of the ſaid creditors, proprietors or other perſons, ſhall before the making out and delivering of ſuch certificates, die or be declared bankrupt, the commiſſioners ſhall deliver to the executors or adminiſtrators of ſuch perſon dead, or to the aſſignee of ſuch perſon declared bankrupt, the certificate to which ſuch perſon would have been intitled.

LV. *Sect.* 17. The ſaid creditors and proprietors of ſtock, on receipt of the certificates, ſhall upon oath produce and deliver up to the commiſſioners, all bonds or other ſecurities relating to their debts, which at the examination of their claims were produced, or at the time of receiving the certificates ſhall be in their cuſtody or power, or of any perſons in truſt for them; which ſecurities the commiſſioners are to cancel, and the commiſſioners are to retain the certificates of ſuch creditors, as ſhall not deliver up the ſecurities to their ſatisfaction.

LVI. *Sect.* 18. The ſaid creditors and the ſaid proprietors of *African* transferrable ſtock, or the executors or adminiſtrators of ſuch as are dead, or the aſſignees of ſuch as are declared bankrupt, ſhall attend the commiſſioners on ſuch times, and at ſuch place, within *London* or *Weſtminſter*, or the ſuburbs thereof, as the ſaid commiſſioners ſhall appoint; of which notice ſhall be given in the *London Gazette*.

LVII. *Sect.* 19. The commiſſioners of the treaſury are impowered, on tender of the certificates before directed, to iſſue to the perſons named therein the ſums therein contained.

LVIII. *Sect.* 20. In caſe of the death of two of the commiſſioners, or of any other commiſſioner to be hereafter appointed, ſuch other maſter of *chancery*, as the lord chancellor ſhall nominate, ſhall be a commiſſioner for the purpoſes of this act: and the ſaid commiſſioners are to lay accounts of their proceedings before the parliament.

LIX. *Sect.* 21. The ſaid company of merchants trading to *Africa*, and their ſucceſſors, ſhall, with all convenient ſpeed, ſell the goods of the ſaid royal *African* company of *England*, (the military ſtores, ſlaves, canoes and veſſels, in the firſt ſchedule to this act annexed, excepted) for the beſt price that can be got, and ſhall every ſeſſion of parliament, until the whole ſhall be diſpoſed of, lay before both houſes of parliament an account of the ſaid goods.

LX. *Sect.* 22. The ſaid commiſſioners ſhall take for each certificate a ſum not exceeding 2 *per cent.* upon the money contained therein, where the ſum ſhall not be more than 100*l.* and a ſum not exceeding 1 *per cent.* where the money contained therein is above 100*l.* and not exceeding 1000*l.* and a ſum not exceeding 10*s.* *per cent.* where the money contained therein does exceed 1000*l.*

LXI. *Sect.* 23. The creditors whoſe names are in the ſecond ſchedule to this act annexed ſhall pay to *Robert Myre*, *William Mills*, and *John Leapidge*, *who were choſen to ſolicit a ſatisfaction for the ſaid creditors debts*, or one of them, a contribution at the rate of 2 *per cent.* upon the ſum in the ſaid ſchedule allowed to them reſpectively, to be by the ſaid *Robert Myre*, *William Mills*, and *John Leapidge*, applied in payment of all expences of ſoliciting the ſatisfaction aforeſaid, and in re-payment of all ſuch contributions as have been heretofore paid by the ſaid creditors to the ſaid *Robert Myre*, *William Mills*, and *John Leapidge*; and alſo in payment of a proportionable part of the expences of obtaining the 24 *Geo.* 2. *cap.* 49. and this act, as ſhall be directed by the commiſſioners in writing under their hands; and no one of the creditors ſhall have a certificate of his debt, until he ſhall produce a note under the hands of the ſaid *Robert Myre*, *William Mills*, and *John Leapidge*, or one of them, expreſſing

expreſſing the receipt of the ſaid contribution; and the ſaid *Robert Myre*, *William Mills*, and *John Leapidge*, ſhall, on or before the 10th of *May* 1754, or within three calendar months next after all the contributions aforeſaid ſhall have been paid, lay an account thereof, and of their diſburſements, under their hands, before the commiſſioners; and ſhall diſpoſe of the balance as the creditors, at a general meeting ſummoned for that purpoſe, by advertiſement in the *London Gazette*, or the major part in value of the creditors preſent at ſuch meeting, ſhall direct.

LXII. *Sect.* 24. Every proprietor of the ſaid company, whoſe names are expreſſed in the third and fourth ſchedules to this act annexed, ſhall pay to *John Vaughan* Eſquire, *Solomon Aſhley* Eſquire, *Eibye Lake* Eſquire, captain *Thomas Collet*, and *Samuel Exell* Gentleman, or one of them, a contribution at the rate of 2 *per cent.* upon the reſpective ſums in the ſaid ſchedules expreſſed, to be applied in payment of ſuch ſums as are now due to *William Newland*, the ſolicitor of the royal *African* company, for his labour and diſburſements ſince 30 *Dec.* 1749, and in payment of a proportionable part of the charges of obtaining the 24 *Geo.* 2. *c.* 49. and this act, as ſhall be directed by the commiſſioners under their hands; and no one of the ſaid proprietors ſhall have a certificate of ſhare, until he ſhall produce a note under the hands of the ſaid *John Vaughan*, *Solomon Aſhley*, *Bibye Lake*, *Thomas Collet*, and *Samuel Exell*, or one of them, expreſſing the receipt of the ſaid contribution; and the ſaid *John Vaughan*, *&c.* ſhall, on or before the 10th of *May* 1754, or within three calendar months next after all the contributions aforeſaid ſhall have been paid, lay an account thereof, and of their diſburſements, under their hands, before the commiſſioners, and ſhall diſpoſe of the balance as the ſaid proprietors at a general meeting to be ſummoned by advertiſement in the *London Gazette*, or the major part of them in value preſent at ſuch meeting, ſhall direct.

LXIII. *Sect.* 25. If any action ſhall be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue.

LXIV. *Sect.* 26. This act ſhall be deemed a public act.

The ſchedules above mentioned were annexed to the act.

By 4 Geo. 3. cap. 20. *The fort of* Senegal *and it's dependances are veſted in this company.*

Alehouſes and drunkenneſs.

The Statute 12 Geo. 1. cap. 12. *is repealed by* 16 Geo. 2. cap. 12. *And* 2 Geo. 2. cap. 28. § 11. *is repealed by* 26 Geo. 2. cap. 31. § 4.

LIV. **Stat.** 26 *Geo.* 2. *cap.* 31. *ſect.* 1. Upon granting licences by juſtices of the peace to any perſon to keep an alehouſe, inn, victualling-houſe, or to ſell ale, beer, and other liquors by retail, every ſuch perſon ſhall enter into a recognizance to the king in the ſum of 10*l.* with two ſureties each in the ſum of 5*l.* or one ſurety in the ſum of 10*l.* under the uſual condition, for maintenance of good order within the ſame; and in caſe the perſon applying for ſuch licence ſhall be hindered, through ſickneſs or other reaſonable cauſe to be allowed by the ſaid juſtices, to attend in perſon at the meetings of the ſame juſtices for granting the ſaid licences, then it ſhall be lawful for them to grant ſuch licence, upon two ſureties entering into ſuch recognizance, each in the penalty of 10*l.* for performance of the condition of the ſaid recognizance; which recognizance with the condition written or printed, ſhall forthwith, or at the next general or quarter-ſeſſion after granting ſuch licences, be ſent to the clerks of the peace, or perſons acting as ſuch, for every county, *&c.* in *England*, where ſuch licences ſhall be granted, under the hands of the juſtices before whom ſuch recognizances were taken, to be filed amongſt the records of the ſeſſions of the peace; and for every ſuch licence granted without taking ſuch recognizance, and for every ſuch recognizance taken and not ſent, every juſtice of the peace ſigning ſuch licence, ſhall forfeit 3*l.* 6*s.* 8*d.*

LV. *Sect.* 2. No licence to keep an alehouſe ſhall be granted to any perſon not licenſed the year preceding; unleſs ſuch perſon produce at the general meeting of the juſtices in *September*, a certificate under the hands of the parſon, vicar or curate,

and the major part of the church-wardens and overſeers, or elſe of three or four ſubſtantial houſe-holders of the pariſh or place where ſuch alehouſe is to be, ſetting forth that ſuch perſon is of good fame, and of ſober life and converſation; and it ſhall be mentioned in ſuch licence that ſuch certificate was produced; otherwiſe ſuch licence ſhall be void.

LVI. *Sect.* 3. If any licenſed perſon ſhall die or remove from an alehouſe, it ſhall be lawful for the perſon ſucceeding to ſuch houſe to keep on the ſaid alehouſe, during the reſidue of the term of ſuch licence; on condition that, within 30 days after ſuch death or removal, ſuch perſon obtain ſuch certificate aforeſaid, to be ſigned by ſome neighbouring juſtice, in order to its being produced at the next general meeting in *September*; and if ſuch certificate be not ſo obtained and ſigned within the ſaid 30 days, then immediately from the expiration thereof ſuch licence ſhall be void; and no licence ſhall intitle any perſon to keep an alehouſe in any other place than that in which it was firſt kept by virtue of ſuch licence, and ſuch licence with regard to all other places ſhall be void.

LVII.. *Sect.* 4. The proviſion in 2 *Geo.* 2. *cap.* 28. § 11. is repealed. No licence to keep a common inn or alehouſe, or to retail any brandy or ſtrong waters ſhall be granted, but on the firſt of *September* yearly, or within 20 days after; and ſuch licence ſhall be made for one year only, to commence on the 29th of the ſaid *September*; and the day and place for granting ſuch licences ſhall be appointed by two juſtices acting for the diviſion, by a warrant under their hands and ſeals, 10 days before ſuch meeting, directed to the high conſtables of the ſaid diviſion, requiring them to order their reſpective petty conſtables or other peace officers, to give notice thereof to the ſeveral inn-keepers and alehouſe-keepers within their reſpective conſtablewicks; and all licences granted at any other time or place ſhall be void.

LVIII. *Sect.* 5. The clerks of the peace ſhall keep a regiſter or calendar of all the recognizances ſo ſent, and ſhall deliver to the juſtices of peace at their general meetings in *September* every year, for granting licences in each diviſion, a copy of ſuch regiſter; and for every recognizance there ſhall be paid by the clerk of the juſtices taking ſuch recognizances, to the ſaid clerks of the peace, as their fee for recording the ſaid recognizance, and for making copies of the regiſter thereof, 1 *s.* which ſhall be paid to the clerks of the ſaid juſtices by the perſons licenſed, over and above the fees to the ſaid juſtices clerks.

LIX. *Sect.* 6. The forfeitures for granting licences without taking recognizances, ſhall be recovered by action of debt, *&c.* in any court of record at *Weſtminſter*, for the uſe of the perſon who ſhall ſue for the ſame, with coſts; wherein no eſſoin ſhall be allowed.

LX. *Sect.* 7. Any juſtice of the peace of any county, riding, city, liberty, or town corporate, wherein ſuch licence ſhall be granted, upon complaint or information that ſuch licenſed perſon hath done any act whereby in the judgement of the ſame juſtice ſuch recognizance may be forfeited or the condition thereof broken, may by ſummons under his hand and ſeal require ſuch perſon to appear at the next general or quarter-ſeſſion of the peace for the ſaid county, *&c.* to anſwer to ſuch complaint or information; and alſo may bind the perſon who ſhall make ſuch complaint or information, or any other perſon, in a recognizance to appear at ſuch general or quarter-ſeſſion, and give evidence againſt ſuch perſon complained of; and the juſtices of the peace in their general or quarter-ſeſſions ſhall have power to direct the jury attending for the trial of traverſes, or ſome other jury to be impanelled by the ſheriff without fee, to inquire of the miſbehaviour charged in the ſaid complaint or information; and if ſuch jury ſhall find that the perſon ſo complained of or informed againſt hath done any act whereby the condition of his recognizance is broken, ſuch act being ſpecified in ſuch complaint or information, it ſhall be lawful for the court at ſuch general or quarter-ſeſſions to adjudge ſuch perſon guilty of the breach of ſuch recognizance; which verdict and adjudication ſhall be final; and thereupon the ſaid juſtices ſhall order the recognizance entered into by ſuch offender to be eſtreated into the exchequer, to be levied to his Majeſty's uſe; and the ſaid perſon, the condition of whoſe recognizance ſhall be ſo broken, ſhall, after ſuch adjudication, be diſabled to ſell any ale, beer, cyder, perry, ſpirituous liquors or ſtrong waters

waters for three years; and any licence granted to ſuch perſon during ſuch term ſhall be void.

LXI. *Sect.* 8. The ſaid juſtices may, at the requeſt of the proſecutor or party ſo complained of or informed againſt, or either of his ſureties, if they ſhall ſee juſt, adjourn the hearing of the ſaid complaint or information to the then next general or quarter-ſeſſions of the peace, where the ſame ſhall be finally determined.

LXII. *Sect.* 9. Where any juſtice of the peace ſhall ſuſpect that any alehouſe-keeper, victualler or retailer, ſells ale beer cyder or perry, without ſuch licence as is requir-ed by law, it ſhall be lawful for ſuch juſtice to call ſuch ſuſpected perſon before him, and alſo any exciſe officer or gauger, to produce before ſuch juſtice his ſtock book, or other account which ſuch officer keeps of the charge or ſurvey of ſuch ſuſpected per-ſon in reſpect of any of the liquors aforeſaid; and to examine ſuch exciſe officer or gauger upon oath, touching the manner in which ſuch officer ſurveys or charges ſuch ſuſpected perſon in reſpect of any of the liquors aforeſaid, or in what manner ſuch ſuſpected perſon pays the duties for any of the ſaid liquors; and if it ſhall appear by ſuch ſtock book or other account, or by the examination of the ſaid officer or gauger, that ſuch ſuſpected perſon is ſurveyed as a victualler or retailer, and is charg-ed with the ſame duties that victuallers and retailers are uſually charged with, and is not intitled to the allowance given to common brewers, then ſuch ſuſpected perſon ſhall be deemed an alehouſe-keeper, victualler, retailer, or ſeller of the liquors aforeſaid, as if the ſame had been proved by two witneſſes.

LXIII. *Sect.* 10. If any perſon ſhall make information before any juſtice of peace, and ſhew probable cauſe that he ſuſpects that any perſon ſells ale beer or other li-quors without a licence from two juſtices, it ſhall be lawful for ſuch juſtice to call ſuch ſuſpected perſon before him; and to ſummon any other perſon as evidence to prove the charge; and if ſuch perſon ſo ſummoned ſhall refuſe to appear, or to be examined upon oath, he ſhall forfeit 10*l.* to be levied by diſtreſs and ſale of goods, by warrant under the hand and ſeal of ſuch juſtice, to be paid to the overſeers for the uſe of the poor of the pariſh.

LXIV. *Sect.* 11. If any perſon ſhall be diſabled by conviction to ſell ale beer cyder or perry, ſuch perſon ſhall, by the ſame conviction, be alſo diſabled to ſell any ſpirituous liquors or ſtrong waters, any licence before obtained notwithſtand-ing; and every licence granted to the perſon ſo convicted, to ſell ale, beer, cyder, perry, ſpirituous liquors, ſtrong waters, or any of them, from the time of ſuch convic-tion, ſhall be void; and every perſon ſelling ale, beer, cyder, perry, ſpirituous li-quors, ſtrong waters, or any of them, during the term of ſuch diſability, ſhall be ſubject to all or ſuch of the penalties, as are reſpectively inflicted by law for ſelling ale, beer, cyder, perry, ſpirituous liquors, ſtrong waters, or any of them by retail, without a licence; and in all proſecutions of ſuch offenders, a certificate from the clerk of the peace (or perſon acting as ſuch) of any ſuch conviction, ſhall be legal evidence; which certificate ſuch clerk of the peace ſhall grant on demand with-out fee.

LXV. *Sect.* 12. Every perſon ſo convicted of ſelling ale, beer, or other liquors, without a licence from two juſtices of peace, ſhall, for every ſuch firſt offence, forfeit 40*s.* and for every ſecond offence 4*l.* and for every ſuch third offence 6*l.* all which forfeitures ſhall be levied by diſtreſs and ſale of the goods of ſuch offender (rendering to him the overplus, after charges of diſtreſs and ſale deducted) by warrant under the hand and ſeal of the juſtice convicting ſuch offender; and ſhall be paid one moiety to the informer, and the other moiety to the overſeers of the poor, for the uſe of the poor of the pariſh; and if no diſtreſs ſhall be found, whereon to levy the ſaid forfei-tures, then the ſaid juſtice ſhall commit ſuch offender ſo convicted to the common gaol, or other priſon, or houſe of correction, within his juriſdiction, for one month for the firſt offence; and for the ſecond offence for two months; and for the third offence until ſuch offender ſhall be diſcharged by order of the court of general quarter-ſeſſions.

LXVI. *Sect.* 13. Every conviction of any offender for ſelling ale, beer, or other li-quors without ſuch licence, or after being diſabled to ſell as aforeſaid, ſhall be certi-fied by the juſtice making the ſame, to the next general or quarter-ſeſſion of the peace, to be filed amongſt the records of the ſaid ſeſſion; and ſuch conviction ſhall

be drawn and certified in the following words, or in any other to the ſame effect, *mutatis mutandis*, viz.

Middleſex. } A. B. *is convicted on his or her own confeſſion* (or, *on the oath of*) *of having ſold ale, beer, or other liquors, in the pariſh of in this county, on the day of without being licenſed thereto according to law* (or, *after being diſabled to ſell*, (as the caſe may be) *Given under my hand and ſeal this day of*

And there ſhall be added, that the ſame is the firſt, ſecond, or third conviction; which conviction, in the ſame or the like words, ſhall be good and ſhall not be quaſhed, for want of any other form or words.

LXVII. *Sect.* 14. Such offender who ſhall be puniſhed by virtue of this act, ſhall not be puniſhed again for the ſame offence by any former act; and ſuch offender who ſhall be puniſhed by any former act, ſhall not be puniſhed again for the ſame offence by this act.

LXVIII. *Sect.* 15. This act ſhall not be prejudicial to the privilege of licenſing taverns and other public houſes, claimed by the two univerſities of *England*, or either of them, nor to the chancellor maſters and ſcholars, or any officers of the ſame.

LXIX. *Sect.* 16. Nothing herein contained ſhall extend to alter the times of granting licences for keeping of common inns or alehouſes, or to oblige perſons not licenſed the year preceding to produce certificates in any city or town corporate.

LXX. *Sect.* 17. Any perſon ſhall be a competent witneſs, upon any information or complaint for any offence againſt this act, notwithſtanding ſuch perſon be an inhabitant of or charged to the payment of any rates for the relief of the poor of any pariſh or place where ſuch offence ſhall be committed.

LXXI. **Stat.** 28 *Geo.* 2. *cap.* 19. *ſect.* 2. Every perſon ſelling ale, beer, or other liquors, without a licence from two juſtices of peace, after a third conviction, ſhall, for every ſuch offence, ſo often as it ſhall happen, forfeit 6 *l.* to be levied and diſpoſed of as is directed by 26 *Geo.* 2. *c.* 31. And if no ſufficient diſtreſs ſhall be found, the juſtice who convicted ſuch offender, ſhall commit him to the common gaol, or other priſon, or houſe of correction, within his juriſdiction, until ſuch offender ſhall be diſcharged by order of the court of general or quarter-ſeſſions.

LXXII. **Stat.** 29 *Geo.* 2. *cap.* 12. *ſect.* 22. Neither his Majeſty's commiſſioners of exciſe in *England* or *Scotland* reſpectively, nor any of the collectors or ſupervifors of exciſe, or any other officers, by the ſaid commiſſioners reſpectively appointed to deliver licences to the retailers of ſpirituous liquors, ſhall grant or deliver any ſuch licence to any perſon who ſhall not produce a licence granted to him by juſtices of peace, to ſell ale beer or other exciſeable liquors, and ſtamped as by the 9 *Ann. cap.* 23. and by this act is directed.

LXXIII. *Sect.* 23. If any perſon ſo licenſed to ſell ale beer or other exciſeable liquors, ſhall die or remove from the alehouſe or place, wherein ſuch ale beer or other liquors ſhall by virtue of ſuch licence be ſold, it ſhall be lawful for the executors adminiſtrators and aſſigns of ſuch perſon, who ſhall be poſſeſſed of ſuch houſe or place, or the occupier thereof, to ſell ale beer or other liquors therein, during the reſidue of the term for which ſuch licence ſhall have been granted, without any certificate from any juſtice of peace, or any new licence, notwithſtanding 26 *Geo.* 2. *cap.* 31. or any other law.

LXXIV. *Sect.* 24. In caſe any alehouſe or victualling-houſe in *England* ſhall become empty or unoccupied, after the general day appointed for licenſing (the occupier whereof was duly licenſed the year preceding) it ſhall be lawful for any two juſtices of peace, at a petty ſeſſions, to grant a licence to any new tenant or occupier, to open ſuch houſe as an alehouſe or victualling-houſe, and to ſell ale there, till the next general licenſing day, ſo as the ſaid licence be ſtamped as herein directed; ſuch new tenant or occupier obtaining ſuch certificate as is directed by 26 *Geo.* 2. *c.* 31.

LXXV. *Sect.*

Alehouſes and drunkenneſs.

LXXV. *Sect.* 26. Every perſon who ſhall retail ale, beer, or other liquors, in any priſon or houſe of correction, or workhouſe, appointed for the reception of poor perſons, ſhall be deemed a keeper of a common alehouſe or tipling-houſe, and ſhall be ſubject to the penalties on the keepers of common alehouſes and tipling-houſes, unleſs he ſhall obtain from the juſtices of peace a licence to retail ſuch beer, ale, or other exciſeable liquors.

Annuities.

CLXXVII. **Stat.** 15 *Geo.* 2. *cap.* 19. Annuities in reſpect of the principal ſum of 800,000 *l.* at 3 *per cent. per ann.* payable at the bank at *Chriſtmas* and *Midſummer*, are charged upon the *ſinking fund.* A caſhier and accomptant general to be employed by the bank, and to be allowed out of the *ſinking fund*, 250 *l. per ann.* to the caſhier, and 200 *l. per ann.* to the accomptant general, *ſect.* 5 & 15. Upon one year's notice in the *London Gazette*, and affixed upon the *Royal Exchange* in *London*, by authority of parliament, at any of the half yearly feaſt-days, and upon re-payment of the principal ſums for which the annuities are payable, and of all arrears of the annuities, the ſaid annuities ſhall ceaſe, *ſect.* 16.

CLXXVIII. **Stat.** 16 *Geo.* 2. *cap.* 13. Annuities in reſpect of the principal ſum of 1,800,000 *l.* until redemption by parliament, ſhall be charged upon the duties on low-wines, ſpirits and ſtrong waters, granted by 16 *Geo.* 2. *cap.* 8. The annuities to be at the rate of 3 *per cent. per ann.* payable at *Chriſtmas* and *Midſummer*, at the bank, 800,000 *l.* part of the aforeſaid ſum was to be raiſed by a contribution to a lottery, the contributors to have annuities at the ſame rate of 3 *per cent. per ann.* and payable in like manner as the annuities reſpecting the reſidue, *ſect.* 10. All the annuities to be redeemable upon one year's notice, and after redemption the duties to be applied as directed by future acts, *ſect.* 37.

CLXXIX. **Stat.** 17 *Geo.* 2. *cap.* 18. Annuities in reſpect of the principal ſum of 1,800,000 *l.* until redemption by parliament ſhall be charged upon the ſurplus of the duties on ſpirituous liquors, granted by 16 *Geo.* 2. *cap.* 8. after reſerving ſufficient to pay the *India* company's annuity, in purſuance of 17 *Geo.* 2. *cap.* 17. The annuities to be at 3 *per cent. per ann.* payable at *Midſummer* and *Chriſtmas*, at the bank, 600,000 *l.* part of the aforeſaid ſum, was to be raiſed by a contribution to a lottery, the contributors to have annuities at the ſame rate of 3 *per cent. per ann.* and payable in like manner as the annuities reſpecting the reſidue.

CLXXX. **Stat.** 18. *Geo.* 2. *cap.* 9. *ſect.* 5. &c. Annuities in reſpect of the principal ſum of 2,000,000 *l.* are charged on the duties by this act impoſed on wines imported; the annuities to be at 3 *per cent. per ann.* payable at the bank, at *Midſummer* and *Chriſtmas.* 500,000 *l.* part of the aforeſaid ſum to be raiſed by a contribution to a lottery; contributors of 100 *l.* to the lottery to have an annuity of 4 *l.* 10 *s. per ann.* for the life of themſelves or their nominees payable at the exchequer, over and above the annuity of 3 *per cent.* payable at the bank; for paying which life annuities 22,500 *l.* was to be reſerved every year at the exchequer, out of the duties granted by the act.

CLXXXI. **Stat.** 19 *Geo.* 2. *cap.* 12. *ſect.* 31, &c. Annuities in reſpect of the principal ſum of 3,000,000 *l.* are charged on the duties by this act impoſed on glaſs and ſpirituous liquors. The annuities to be at 4 *per cent. per ann.* payable at the bank. 500,000 *l.* part of the ſaid 3,000,000 *l.* to be raiſed by a contribution to a lottery. Every contributor of 100 *l.* to the lottery to have an annuity of 9 *l. per ann.* for his own life or a nominee's, payable at the exchequer, beſides the annuity of 4 *per cent.* payable at the bank: for paying which life annuities 45,000 *l.* was to be reſerved yearly at the exchequer out of the duties granted by the act.

CLXXXII. **Stat.** 20 *Geo.* 2. *cap.* 3. *ſect.* 45, &c. Annuities in reſpect of 4,000,000 *l.* and of the additional capital of 10 *l.* to be added to every 100 *l.* ad-

vanced, *i. e.* 400,000 *l.* that is in all 4,400,000 *l.* are charged on the duties by this act impoſed on houſes and windows. The annuities to be at 4 *per cent. per ann.* payable at the bank.

CLXXXIII. **Stat.** 20 *Geo.* 2. *cap.* 10. *ſect.* 18, &c. Annuities in reſpect of 1,000,000 *l.* to be raiſed by contribution to a lottery, are charged on the duties on coaches granted by this act. The annuities to be at 4 *per cent. per ann.* payable at the bank.

CLXXXIV. **Stat.** 21 *Geo.* 2. *cap.* 2. *ſect.* 10, &c. Annuities in reſpect of the principal ſum of 6,300,000 *l.* and the additional capital of 10 *l.* in a lottery ticket to be added to every 100 *l.* advanced, that is in all in reſpect of 6,930,000 *l.* ſhall be charged on the ſubſidy 1747. granted by this act. The annuities to be at 4 *per cent. per ann.* payable at the bank.

CLXXXV. **Stat.** 22 *Geo.* 2. *cap.* 23. Annuities in reſpect of the principal ſum of 3,230,382 *l.* 5 *s.* and 1 *d.* (being the amount of debts on navy, victualling and tranſports bills, and ordnance debentures unprovided for) are charged on the ſinking fund. The annuities to be at 4 *per cent.* payable at the bank.

CLXXXVI. **Stat.** 23 *Geo.* 2. *cap.* 1. Whereas there is now due from the public to the proprietors of annuities payable at the exchequer, 312,000 *l.* to the bank in their own right 8,486,800 *l.* and to the proprietors of annuities transferrable there, 18,402,472 *l.* and 10 *d.* to the *Eaſt-India* company, 3,200,000 *l.* to the *South-Sea* company in their own right, and for the uſe of proprietors of old and new *South-Sea* annuities 27,302,203 *l.* 5 *s.* 6 *d.* ½. all which ſums amount to 57,703,475 *l.* 6 *s.* 4 *d.* ½. and are attended with annuities or intereſt at the rate of 4 *per cent. per ann.* it is enacted, that any perſons intereſted in the ſaid debt, who ſhall, before the 28 *Feb.* 1749. conſent to accept an intereſt of 3 *per cent. per ann.* from the 25 *Dec.* 1757. ſhall in lieu of their preſent intereſt receive 4 *per cent.* till 25 *Dec.* 1750. and from thence 3 *l.* 10 *s.* till 25 *Dec.* 1757. and no part of the ſame, except what is due to the *Eaſt-India* company, ſhall be liable to be redeemed till after 25 *Dec.* 1757.

CLXXXVII. **Stat.** 23 *Geo.* 2. *cap.* 16. Annuities in reſpect of the principal ſum of 1,000,000 *l.* are charged on the ſinking fund. The annuities to be at 3 *per cent.* payable at the bank.

CLXXXVIII. **Stat.** 23 *Geo.* 2. *cap.* 22. Proprietors of the national debt incurred before *Michaelmas* 1749. who have not ſubſcribed in purſuance of 23 *Geo.* 2. *cap.* 1. may before 30 *May* 1750. ſubſcribe their conſent to accept 3 *per cent. per ann.* from 25 *Dec* 1755. and ſhall receive 4 *per cent.* until 25 *Dec.* 1750. and from thence 3 *l.* 10 *s. per cent.* until 25 *Dec.* 1755. and no part of the ſame ſhall be liable to be redeemed till after 25 *Dec.* 1755. And ſuch part of the national debt incurred before *Michaelmas* 1749. redeemable by law, which now carries intereſt at 4 *per cent.* and which ſhall not be ſubſcribed before 30 *May* 1750. ſhall be redeemed. The treaſury may borrow money on the ſinking fund to pay off unſubſcribed annuities. If the *Eaſt-India* company do not ſubſcribe the 3,200,000 *l.* owing to them at 4 *per cent.* not only that ſum, but alſo 1,000,000 *l.* owing to them at 3 *per cent.* ſhall be redeemed; if the *Eaſt-India* company do ſubſcribe, they may with conſent of the treaſury raiſe 4,200,000 *l.* by ſale of annuities as to 3,200,000 *l.* at the intereſt herein before propoſed, and as to 1,000,000 *l.* at 3 *per cent.* all which annuities are to be paid out of the ſame duties, as the preſent annuities, payable to the company, and ſubject to the ſame redemption as the debt to the company. The money which the company ſhall raiſe by ſale of annuities, ſhall be applied toward the diſcharge of their preſent bond debt, and ſhall be conſidered as part of what they are impowered to borrow.

CLXXXIX. **Stat.** 24 *Geo.* 2. *cap.* 2. Annuities in reſpect of 2,100,000 *l.* ſhall be charged on the ſinking fund. The annuities to be at 3 *per cent.* payable at the

South-Sea

South-Sea houſe, 700,000 *l.* part of the aforeſaid ſum to be raiſed by a contribution to a lottery.

CXC. **Stat.** 25 *Geo.* 2. *cap.* 27. The annuities transferrable at the bank, purchaſed in purſuance of 4 *Geo.* 2. *c.* 9. 15 *Geo.* 2. *c.* 19. 16 *Geo.* 2. *c.* 13. 17 *Geo.* 2. *c.* 18. 18 *Geo.* 2. *cap.* 9. 23 *Geo.* 2. *c.* 16. by advancing ſums amounting together to 8,200,000 *l.* carrying intereſt at 3 *per cent.* ſhall, with the conſent of the proprietors, be converted into one joint-ſtock of annuities transferrable at the bank; and ſhall, after 24 *June* 1752. be charged on the ſinking fund: and the duties appropriated to the payment of the ſaid ſeveral annuities ſhall be made part of the ſinking fund, after reſerving ſufficient to pay the annuities for lives at the exchequer and other incumbrances. Annuities payable at the exchequer out of the ſinking fund, amounting to the principal ſum of 900,000 *l.* at 3 *per cent.* purchaſed by 9 *Geo.* 2. *c.* 34. and 11 *Geo.* 2. *c.* 27. may be ſubſcribed into the joint-ſtock of annuities. And orders for annuities at 3 *per cent.* made forth at the exchequer payable out of the general fund, in lieu of debentures to the ſufferers of *Nevis* and *St. Chriſtophers*, to the amount of 141,093 *l.* 15 *s.* 1 *d.* $\frac{1}{4}$. in purſuance of 8 *Geo.* 1. *c.* 20. whereof there now remains 37,821 *l.* 5 *s.* 1 *d.* $\frac{1}{4}$. may be ſubſcribed into the ſaid joint-ſtock of annuities.

CXCI. *Sect.* 11. The annuities transferrable at the bank, purchaſed in purſuance of 19 *Geo.* 2. *c.* 12. 20 *Geo.* 2. *c.* 3. 20 *Geo.* 2. *c.* 10. 21 *Geo.* 2. *c.* 2. and 22 *Geo.* 2. *c.* 23. for which the principal ſums now remaining due amount to 17,571,573 *l.* 16 *s.* 4 *d.* and now carry intereſt at 3 *l.* 10 *s.* *per cent.* whereof 14,857,955 *l.* 18 *s.* 4 *d.* was firſt ſubſcribed in purſuance of 23 *Geo.* 2. *c.* 1. and the reſidue of 2,713,617 *l.* 18 *s.* was laſt ſubſcribed in purſuance of 23 *Geo.* 2. *c.* 22. ſhall be converted into joint-ſtocks of annuities as follows; *viz.* the ſaid ſeveral annuities amounting to 14,857,955 *l.* 18 *s.* 4 *d.* ſhall with the conſent of the proprietors be made one joint-ſtock of annuities transferrable at the bank; and the ſaid ſeveral annuities amounting to 2,713,617 *l.* 18 *s.* ſhall with the conſent of the proprietors be made one other joint-ſtock of annuities transferrable at the bank; and after 10 *October* 1752. all the ſaid annuities, amounting to 17,571,573 *l.* 16 *s.* 4 *d.* and ſuch ſum as may be payable to the bank for charges of management ſhall be charged upon the ſinking fund: and the duties appropriated for payment of the ſaid annuities, ſhall be made part of the ſinking fund, after reſerving ſufficient to pay the annuities for lives at the exchequer and other incumbrances. The proprietors of exchequer orders for annuities payable out of the duties on plate, by 6 *Geo.* 1. *cap.* 11. which were ſubſctibed purſuant to 23 *Geo.* 2. *cap.* 1. and 23 *Geo.* 2. *cap.* 22. may ſubſcribe the ſame into the ſaid ſeveral joint-ſtocks of annuities reſpectively: and the ſaid joint-ſtocks of annuities reſpectively ſhall have an additional annuity for ſuch ſum of the ſaid plate annuities as ſhall be ſo ſubſcribed payable out of the ſinking fund: and the ſaid duty on wrought plate, (if all the annuities charged thereon be ſo ſubſcribed, otherwiſe the ſurplus) ſhall be made part of the ſinking fund. After the 5 *April* 1758. the ſaid joint-ſtock of firſt ſubſcribed bank annuities at 3 $\frac{1}{2}$ *per cent.* and ſuch of the ſaid plate annuities as ſhall be ſubſcribed thereunto, with the ſaid ſecond ſubſcribed bank annuities at 3 $\frac{1}{2}$ *per cent.* and ſuch of the ſaid plate annuities as ſhall be ſubſcribed thereunto, ſhall be made one joint-ſtock of annuities transferrable at the bank till redemption.

CXCII. *Sect.* 26. After the 5 *April* 1758. the joint-ſtock of the firſt ſubſcribed Old *South-Sea* annuities, with as much of the joint-ſtock of the ſecond ſubſcribed Old *South-Sea* annuities as ſhall be then unſatisfied, ſhall be made one joint-ſtock of Old *South-Sea* annuities.

CXCIII. *Sect.* 27. After the 5 *Jan.* 1758. the joint-ſtock of the firſt ſubſcribed New *South-Sea* annuities, with ſo much of the joint-ſtock of the ſecond ſubſcribed New *South-Sea* annuities as ſhall be then unſatisfied, ſhall be made one New joint-ſtock of *South-Sea* annuities.

CXCIV. **Stat.** 28 *Geo.* 2. *cap.* 15. Annuities in reſpect of 900,000 *l.* part of 1,000,000 raiſed by contribution to a lottery, are charged on the ſinking fund. The annuities to be at 3 *per cent.* payable at the bank, and to be added to the joint-ſtock of annuities transferrable at the bank, into which the ſeveral ſums carrying intereſt at 3 *per cent.* were converted by 25 *Geo.* 2. *cap.* 27.

CXCV. **Stat.** 29 *Geo.* 2. *cap.* 7. 1,500,000 *l.* to be raiſed by ſale of annuities at 3 *l.* 10 *s. per cent.* and 500,000 *l.* by a lottery, attended with annuities at 3 *l. per ann.* All the annuities charged on the ſinking fund and to be payable at the bank. The three and a half *per cent.* annuities deemed one capital or joint-ſtock, and the 3 *l. per cent.* annuities to be added to the joint-ſtock of annuities transferrable at the bank, into which the ſeveral ſums carrying intereſt at 3 *l. per cent.* were converted by 25 *Geo.* 2. *cap.* 27. The three and a half *per cent.* annuities not to be redeemable till after 15 years and upon 6 months notice.

CXCVI. **Stat.** 30 *Geo.* 2. *cap.* 19. *ſect.* 31. Annuities in reſpect of 3,000,000 *l.* are charged on the ſurplus of the ſeveral duties on licences for retailing ſpirituous liquors, granted by 16 *Geo.* 2. *c.* 8. and 24 *Geo.* 2. *c.* 40. after payment of the annuity to the bank, charged on the ſaid duties by 19 *Geo.* 2. *cap.* 6. and on the additional ſtamp-duties granted by this act. Contributors to the ſaid 3,000,000 to have annuities of 3 *l. per cent. per ann.* transferrable at the bank, and redeemable by parliament; and for every 100 *l.* ſubſcribed an annuity for life of 1 *l.* 2 *s.* 6 *d.* payable at the exchequer and aſſignable: for paying of which life annuities 33,750 *l.* is to be reſerved yearly out of the monies ariſing by the act.

CXCVII. **Stat.** 31 *Geo.* 2. *cap.* 22. *ſect.* 35. Annuities in reſpect of 5,000,000 *l.* are charged on the duties by this act impoſed on offices and penſions, and upon windows, to be payable at the bank. 500,000 *l.* part of the ſaid ſum to be raiſed by a contribution to a lottery. The ſubſcribers of the 4,500,000 *l.* to have 3 *l.* 10 *s. per cent. per ann.* for 24 years, from the 5th of *July* 1758. and from thence 3 *per cent. per ann.* until redemption: and the contributors of the 500,000 *l.* in the lottery to have 3 *per cent. per ann.* In caſe of deficiency in the funds eſtabliſhed by the act, the annuities are charged on the ſinking fund. If there be any ſurpluſſes of the funds eſtabliſhed by this act, they are reſerved for the diſpoſition of parliament. The three and a half *per cent.* annuities to be one capital or joint-ſtock, and not redeemable till after 24 years from 5 *July* 1758. and the 3 *per cent.* annuities depending on the lottery to be added to the joint-ſtock of annuities transferrable at the bank, into which the ſeveral ſums carrying intereſt at 3 *per cent.* were converted by 25 *Geo.* 2. *cap.* 27.

CXCVIII. **Stat.** 32 *Geo.* 2. *cap.* 10. *ſect.* 19. Annuities are charged on the additional ſubſidy upon the goods mentioned in the act, and on the additional inland duties on coffee and chocolate by this act impoſed, in reſpect of 6,600,000 *l.* to be raiſed by ſubſcription, and of the additional capital of 5 *l.* added to every 100 *l.* and of 10 *l.* given in a lottery ticket to each ſubſcriber of an 100 *l.* that is in the whole in reſpect of 7,590,000 *l.* The annuities to be at 3 *per cent.* payable at the bank. Deficiencies of the duties to be made good out of the ſinking fund; and ſurpluſſes reſerved for the diſpoſition of parliament.

CXCIX. **Stat.** 32 *Geo.* 2. *cap.* 22. The ſum of 3,000,000 *l.* borrowed by virtue of 30 *Geo.* 2. *cap.* 19. carrying intereſt at the rate of 3 *per cent. per ann.* ſhall, with the conſent of the proprietors, be made part of the ſtock of 3 *per cent.* transferrable annuities, conſolidated by 25 *Geo.* 2. *cap.* 27. 28 *Geo.* 2. *cap.* 15. and 29 *Geo.* 2. *cap.* 7. and ſhall be transferrable at the bank, and the expences thereof ſhall be paid out of the ſinking fund until redemption. Such of the proprietors as ſhall not, before 20 *June* 1759. ſignify their diſſent in books to be opened at the bank, ſhall be deemed to aſſent.

Sect. 3. The annuities on ſingle lives by the ſaid 30 *Geo.* 2. *cap.* 19. payable at the exchequer in reſpect of the ſaid 3,000,000 *l.* ſhall be payable out of the ſinking fund.

CC. **Stat.** 33 *Geo.* 2. *cap.* 7. Annuities are charged on the duties by the act impoſed on malt, at 4 *per cent.* for 21 years from 5 *Jan.* 1760. and from thence at 3 *per cent.* in reſpect of 8,000,000 *l.* to be advanced, and of the additional capital of 3 *l.* given in a lottery ticket to every ſubſcriber of 100 *l.* amounting to 240,000 *l.* The annuities on the ſaid lottery tickets to be at 4 *per cent.* for 20 years from 5 *Jan.* 1761.

and

and afterwards at 3 *per cent.* All the ſaid annuities to be transferrable at the bank. Deficiencies of the duties to be made good out of the ſinking fund, and ſurpluſſes reſerved for the diſpoſition of parliament.

Theſe annuities are charged on the ſinking fund by 2 Geo. 3. cap. 9.

CCI. **Stat.** 33 *Geo.* 2. *cap.* 12. The annuities granted by 32 *Geo.* 2. *cap.* 10. in reſpect of 6,600,000 *l.* and 990,000 *l.* are with conſent of the proprietors added to the joint-ſtock of annuities, conſolidated by 25 *Geo.* 2. *cap.* 27. 28 *Geo.* 2. *cap.* 15. 29 *Geo.* 2. *cap.* 7. and 32 *Geo.* 2. *cap.* 22. And the duties appropriated for payment of the ſaid annuities are carried to the ſinking fund.

CCII. **Stat.** 1 *Geo.* 3. *cap.* 7. *ſect.* 11, &c. Annuities are charged on the duties by the act impoſed on ſtrong beer and ale [*See* **Exciſe.**] in reſpect of 12,000,000. Of which 600,000 *l.* is to be raiſed by ſubſcription to a lottery, and to bear intereſt at 3 *per cent.* and 11,400,000 *l.* by ſubſcription to annuities at 3 *per cent.* All the ſaid 3 *per cent.* annuities to be added to the joint ſtock of 3 *per cent.* annuities conſolidated at the bank. The annuitants alſo to have an annuity for 99 years from 5 *Jan.* 1761. of 1 *l.* 2 *s.* 6 *d.* for every 100 *l.* ſubſcribed towards the 11,400,000 *l.* payable at the bank at *Midſummer* and *Chriſtmas.* Deficiencies to be made good out of the ſinking fund, and ſurpluſſes reſerved for the diſpoſal of parliament.

Apprentices.

XXVI. **Stat.** 18 *Geo.* 2. *cap.* 22. *ſect.* 24. If any maſter or miſtreſs ſhall neglect to pay the duties for clerks, apprentices or ſervants, directed by 8 *Ann. cap.* 9. and 9 *Ann. cap.* 21. within the times limited, he ſhall, for every ſuch neglect, forfeit double the duties charged, over and above all other penalties; which ſaid penalties, to be levied by this act, ſhall be recovered and applied, in the ſame manner as any penalties inflicted by the former acts.

XXVII. *Sect.* 25. If any maſter, *&c.* ſhall neglect to pay the ſaid duties within the times limited, and any ſuch clerk, apprentice or ſervant, ſhall pay the ſaid duties, and alſo the penalties inflicted by this act, within one year after the ſame ſhall be incurred (ſuch maſter or miſtreſs not having then paid the ſaid duties and penalties, although required by ſuch apprentice, *&c.* ſo to do) then ſuch apprentice, *&c.* within three months after ſuch payment, may demand of his maſter or miſtreſs, or their executors or adminiſtrators, the money paid to ſuch maſter or miſtreſs, for ſuch apprenticeſhip, *&c.* and if it ſhall not be paid within three months after ſuch demand, ſuch apprentice, *&c.* may recover the ſame, with coſts againſt ſuch maſter or miſtreſs, or their executors or adminiſtrators, by action of debt, *&c.* in any court of record at *Weſtminſter*, wherein no eſſoin, *&c.* ſhall be allowed; and every ſuch apprentice, *&c.* may, upon payment of ſuch duties and penalties as aforeſaid, be diſcharged from his apprenticeſhip, and from all actions, penalties and damages, for not ſerving the time for which he was bound, or agreed to ſerve.

XXVIII. *Sect.* 26. Every ſuch apprentice, *&c.* ſhall have the ſame benefit of the time he has continued with ſuch maſter or miſtreſs, as in caſe of an aſſignment to a new maſter.

XXIX. **Stat.** 20 *Geo.* 2. *cap.* 19. *ſect.* 3. It ſhall be lawful for any two juſtices upon complaint by any apprentice put out by the pariſh, or any other apprentice upon whoſe binding no more than 5 *l.* was paid, concerning any miſuſage, refuſal of neceſſary proviſion, cruelty, or ill-treatment by his maſter or miſtreſs, to ſummon ſuch maſter or miſtreſs; and upon proof of the complaint upon oath (whether the maſter or miſtreſs be preſent or not, if ſervice of the ſummons be upon oath proved) to diſcharge ſuch apprentice by warrant under their hands and ſeals, for which no fee ſhall be paid.

XXX. *Sect.* 4. And it ſhall be lawful for ſuch juſtices, upon complaint on oath by any maſter or miſtreſs againſt ſuch apprentice concerning any ill-behaviour, to puniſh

the offender by commitment to the houſe of correction, there to be held to hard labour for any time not exceeding one calendar month, or by diſcharging him.

By ſect. 5. *an appeal is given to the quarter-ſeſſions, and by* ſect. 6. *removal by* certiorari *is prohibited; which ſee in* **Labourers.**

XXXI. **Stat.** 20 *Geo.* 2. *cap.* 45. *ſect.* 5. If any maſter or miſtreſs, who ſhall become liable to the double duties charged by 18 *Geo.* 2. *cap.* 22. *ſect.* 24. ſhall pay the ſaid double duties, and alſo tender the indentures or contracts to be ſtamped, within two years after the end of the apprenticeſhip or ſervice, and before any ſuit commenced for the penalties, the indentures or contracts of ſuch apprentice, *&c.* ſhall be good, and may be given in evidence in any court; and the apprentices, *&c.* therein named, ſhall be capable of exerciſing their intended trades, as fully as if the duties ſo omitted had been duly paid; and all perſons, who ſhall have incurred any penalties by the omiſſions aforeſaid, upon payment of ſuch double duties within the times laſt before limited, ſhall be diſcharged from the ſaid penalties.

XXXII. *Sect.* 6. If any maſter or miſtreſs ſhall become liable to ſuch double duties, and any ſuch apprentice, *&c.* ſhall, after ſuch forfeiture incurred, either in the preſence of one witneſs, or by writing under his hand, ſigned in the preſence of one witneſs, require his maſter or miſtreſs to pay the ſaid double duties, and ſuch maſter or miſtreſs ſhall not within three months after ſuch requeſt pay the ſame, and ſuch apprentice, *&c.* ſhall, within two years after the determination of his apprenticeſhip, pay the ſaid double duties not paid by his maſter, then ſuch apprentice, *&c.* may, within three months after ſuch payment, demand of his maſter or miſtreſs, or their executors or adminiſtrators, double the ſum or other conſideration, paid or contracted for in reſpect of ſuch apprenticeſhip; and in caſe it ſhall not be paid within three months after ſuch demand, ſuch apprentice, *&c.* may recover the ſame with coſts, by action of debt, *&c.* in any court of record at *Weſtminſter*, wherein no eſſoin, *&c.* ſhall be allowed; and every ſuch apprentice, *&c.* ſo paying ſuch double duties, may upon payment, and ſignifying by writing under his hand that he deſires to be diſcharged from his apprenticeſhip, be diſcharged from the ſame, and from all actions, penalties and damages, for not ſerving the time for which he was bound, or agreed to ſerve.

XXXIII. *Sect.* 7. Every ſuch apprentice, *&c.* ſhall have the ſame benefit of the time he ſhall have continued with ſuch maſter or miſtreſs, as in caſe of an aſſignment to a new maſter.

XXXIV. *Sect.* 8. Where any proſecution ſhall be commenced againſt any maſter or miſtreſs, for the penalties inflicted by former acts, and the apprentice, *&c.* ſhall pay ſuch double duties within two years after the end of his apprenticeſhip, he ſhall be qualified to exerciſe his trade, and the indentures or contracts ſhall be good, and may be given in evidence in any court.

XXXV. **Stat.** 32 *Geo.* 2. *cap.* 23. *ſect.* 7. Upon payment on or before the firſt of *September* 1759. of the duties omitted to be paid upon any money given or agreed for in relation to any clerk, apprentice or ſervant, to ſuch perſon to whom the ſame ought to be paid, the indenture or writing by which ſuch clerk, *&c.* was put out, ſhall (on being tendered at the ſtamp-office where the ſame ought to have been ſtamped, during the time of office hours) be ſtamped, and ſhall be good in law, and may be given in evidence: and the clerks, *&c.* therein named ſhall be capable of exerciſing their trade or buſineſs, as fully as if the duties omitted had been duly paid, and the full ſums written in ſuch indenture or writing: and all perſons who have incurred any penalty by ſuch omiſſion ſhall be diſcharged from the ſame.

Time is given to 29 Sept. 1764. *by* 4 Geo. 3. c. 23.

Arreſts.

The 12 Geo 1. cap. 29. *and* 5 Geo. 2. cap. 27. *are revived and made perpetual by* 21 Geo. 2. cap. 3.

Attornies.

After Par. XXXII. **Stat.** 2 Geo. 2. cap. 23. § 21. *add the following paragraph.*

XXXIII. *Sect.* 22. Every proceſs for arreſting, and every writ of execution, or ſome label annexed, and every warrant upon ſuch proceſs, ſhall, before ſervice or execution, be ſubſcribed or indorſed with the name of the attorney, clerk in court, or ſolicitor, by whom ſuch proceſs, *&c.* ſhall be ſued forth; and where ſuch attorney, *&c.* ſhall not be the perſon immediately imployed, then alſo with the name of the attorney ſo immediately imployed: and every copy of any writ ſerved upon any defendant, ſhall before ſervice be ſubſcribed with the name of the attorney immediately imployed.

This act is made perpetual by 30 Geo. 2. cap. 19. ſect. 75.

XLIII. **Stat.** 12 *Geo.* 2. *cap.* 13. *ſect.* 4. The not ſubſcribing or indorſing the name of the attorney, clerk in court, or ſolicitor, on any warrant made upon any writ, proceſs or execution, ſhall not vitiate the ſame; but ſuch writ, proceſs and execution, and all proceedings thereon, ſhall be valid and effectual, provided the writ whereon ſuch warrant is made out be regularly ſubſcribed or indorſed: and every ſheriff or other officer, who ſhall make out any warrant upon any writ, proceſs or execution, and ſhall not ſubſcribe or indorſe the name of the attorney, clerk in court, or ſolicitor, who ſued out the ſame, ſhall forfeit the ſum of 5 *l.* to be aſſeſſed as a fine by the court out of which ſuch writ, proceſs, or execution ſhall iſſue; one moiety to be paid to his Majeſty, and the other moiety to the perſon aggrieved.

XLIV. *Sect.* 5. It ſhall be lawful for every attorney, clerk in court, and ſolicitor, to write his bill of fees, charges and diſburſements, with ſuch abbreviations as are commonly uſed.

XLV. *Sect.* 6. The act 2 *Geo.* 2. *cap.* 23. ſhall not extend to any bill of fees and diſburſements, due from any attorney or ſolicitor, to any other attorney or ſolicitor, or clerk in court; but that every ſuch attorney, ſolicitor, or clerk in court, may uſe ſuch remedies againſt ſuch other attorney or ſolicitor, as he might have done before the ſaid act.

XLVI. *Sect.* 7. In caſe any perſon ſhall commence or defend any action, or ſue out any writ, proceſs or ſummons, or carry on any proceedings in the county court, in any county in *England*, who is not admitted an attorney or ſolicitor, ſuch perſon ſhall forfeit 20 *l.* to be recovered with coſts by any perſon who ſhall ſue within 12 months after ſuch offence committed, in any court of record.

XLVII. *Sect.* 8. Quakers, who have ſerved a clerkſhip with an attorney or ſolicitor, and ſhall be qualified, ſhall, upon taking their ſolemn affirmation, inſtead of the oaths directed to be taken, be admitted and inrolled as attorneys or ſolicitors as if they had taken the ſaid oaths.

XLVIII. *Sect.* 9. No attorney or ſolicitor who ſhall be a priſoner in any priſon, or within the rules of any priſon, ſhall, during his confinement, in his own name, or in the name of any other, ſue out any writ or proceſs, or commence or proſecute any ſuit in any courts of law or equity; and all proceedings in ſuch ſuits ſhall be void; and ſuch attorney or ſolicitor, ſo commencing any ſuit, ſhall be ſtruck off the roll, and incapacitated from acting as an attorney or ſolicitor; and any attorney or ſolicitor, permitting ſuch attorney or ſolicitor to commence any ſuit in his name, ſhall be ſtruck off the roll, and incapacitated from acting as an attorney or ſolicitor.

XLIX. *Sect.* 10. Nothing in this act ſhall extend, to prevent any attorney or ſolicitor ſo confined, from carrying on any ſuit commenced before his confinement.

L. **Stat.** 22 *Geo.* 2. *cap.* 46. *ſect.* 3. Every perſon who ſhall be bound by contract in writing, to ſerve as a clerk to any attorney or ſolicitor, as by the 2 *Geo.* 2. *cap.* 23. is directed, ſhall, within three months after the date of ſuch contract, cauſe an affidavit to be made and ſworn, of the actual execution of ſuch contract, by ſuch attorney or ſolicitor, and the perſon ſo bound; and in every ſuch affidavit ſhall be ſpecified the names of ſuch attorney and ſolicitor, and of ſuch perſon ſo bound,

and their places of abode, together with the date of ſuch contract; and every ſuch affidavit ſhall be filed within the time aforeſaid, in the court where the attorney or ſolicitor, to whom ſuch perſon ſhall be bound, hath been inrolled; and the officer ſhall ſign a memorandum of the day of filing ſuch affidavit at the back or at the bottom thereof.

LI. *Sect.* 4. No perſon who ſhall become bound as aforeſaid ſhall be admitted or inrolled an attorney or ſolicitor in any court in the ſaid act mentioned, before ſuch affidavit, ſo marked by the proper officer, ſhall be produced and read in ſuch court.

LII. *Sect.* 5. The ſeveral perſons following ſhall be the proper officers for filing ſuch affidavits in the courts after mentioned, *viz.* in chancery, the ſenior clerk of the petty-bag office, or his deputy; in the king's bench, the chief clerk of that court, or his deputy; in the common pleas, the clerk of the warrants, or his deputy; in the exchequer, the king's remembrancer, or his deputy; in the court of the dutchy chamber of *Lancaſter* at *Weſtminſter*, the chief clerk, or his deputy; and in the ſeveral counties palatine of *Cheſter*, *Lancaſter* and *Durham*, the reſpective prothonotaries and their reſpective deputies; and in the ſeveral courts of the great ſeſſions of *Wales*, the reſpective prothonotaries and their reſpective deputies.

LIII. *Sect.* 6. Every ſuch officer or his deputy, filing ſuch affidavit, ſhall keep a book, wherein ſhall be entered the ſubſtance of ſuch affidavit, ſpecifying the names and places of abode of every ſuch attorney or ſolicitor and clerk, and of the perſon making ſuch affidavit, with the date of the articles or contract, and the days of ſwearing and filing ſuch affidavit; and every ſuch officer or his deputy may take, at the time of filing every ſuch affidavit, 2*s.* 6*d.* and no more; and the ſaid books may be ſearched in office hours, by any perſon without fee.

LIV. *Sect.* 7. No attorney or ſolicitor ſhall take, have, or retain any clerk, bound by contract in writing as aforeſaid, after ſuch attorney or ſolicitor ſhall have diſcontinued, or during ſuch time as he ſhall not actually practiſe as an attorney or ſolicitor.

LV. *Sect.* 8. Every perſon bound, by contract in writing, to ſerve any attorney or ſolicitor, as by the ſaid act is directed, ſhall, during the whole time of ſervice ſpecified in ſuch contract, continue and be actually employed by ſuch attorney or ſolicitor, or his agent, in the proper buſineſs of an attorney or ſolicitor.

LVI. *Sect.* 9. If any ſuch attorney or ſolicitor, to whom any ſuch perſon ſhall be ſo bound, ſhall die or diſcontinue his practice, or if ſuch contract ſhall by conſent of the parties be cancelled, or in caſe ſuch clerk ſhall be legally diſcharged by any rule or order of the court, wherein ſuch attorney or ſolicitor ſhall practiſe, before the expiration of ſuch term, and ſuch clerk ſhall be bound by another contract in writing to ſerve, and ſhall accordingly ſerve in manner before-mentioned, as clerk to any other ſuch practiſing attorney or ſolicitor, during the reſidue of the ſaid term of five years, then ſuch ſervice ſhall be deemed as good as if ſuch clerk had continued to ſerve as a clerk for the ſaid term, to the ſame perſon to whom he was originally bound, ſo as an affidavit be made and filed of the execution of ſuch ſecond or other contract within the time, and in like manner, as is before directed concerning ſuch original contract.

LVII. *Sect.* 10. Every perſon bound as a clerk as aforeſaid, ſhall, before he be admitted an attorney or ſolicitor according to the ſaid act, cauſe an affidavit of himſelf, or ſuch attorney or ſolicitor, to whom he was bound, to be made and filed with the proper officer, that he hath actually ſerved and been employed by ſuch practiſing attorney or ſolicitor, to whom he was bound, or his agent, during the ſaid whole term of five years, according to the meaning of this act.

LVIII. *Sect.* 11. If any ſworn attorney or ſolicitor ſhall act as agent for any perſon, not qualified to act as an attorney or ſolicitor as aforeſaid, or ſuffer his name to be made uſe of upon the account or for the profit of any unqualified perſon, or ſend any proceſs to ſuch unqualified perſon, thereby to enable him to appear, or practiſe as an attorney or ſolicitor, knowing him not to be qualified, and complaint ſhall be made thereof in a ſummary way to the court from whence any ſuch proceſs did iſſue, and proof made thereof, upon oath, to the ſatisfaction of the court, then every ſuch attorney or ſolicitor ſo offending ſhall be ſtruck off the roll, and for ever after diſabled from practiſing as an attorney or ſolicitor; and upon ſuch complaint and proof, it ſhall be lawful for the ſaid court to commit ſuch unqualified perſon, ſo practiſing, to the priſon of the ſaid court, for any time not exceeding one year.

LIX. *Sect.*

LIX. *Sect.* 12. No perſon ſhall act as a ſolicitor, attorney or agent, or ſue out any proceſs at any general or quarter-ſeſſions of the peace for any county or place within this kingdom, either with reſpect to matters of a criminal or civil nature, unleſs he ſhall have been admitted an attorney of one of the courts of record at *Weſtminſter*, and inrolled purſuant to 2 *Geo.* 2. *cap.* 23. or by virtue of this act, or ſuch other law as ſhall be then in being, and unleſs he ſhall continue ſo entered upon the roll, at the time of his acting in the capacity aforeſaid; but every perſon who ſhall ſo act, not being admitted and inrolled as aforeſaid, ſhall be ſubject to a penalty of 50 *l.* to be recovered by action of debt, *&c.* in any court of record at *Weſtminſter*, by any perſon who ſhall ſue for the ſame, within 12 months after the offence committed, with treble coſts of ſuit; and if any attorney ſhall permit any perſon not being admitted and inrolled as aforeſaid, to make uſe of his name in the courts of general or quarter-ſeſſions, ſuch attorney ſhall be ſubject to a like penalty of 50 *l.* to be recovered in manner aforeſaid.

LX. *Sect.* 13. Nothing herein contained ſhall extend to deprive the attornies of the duchy of *Lancaſter*, or of the courts of great ſeſſions in *Wales*, or of the counties palatine of *Cheſter*, *Lancaſter* and *Durham*, from acting within their reſpective juriſdictions.

LXI. *Sect.* 14. No clerk of the peace or his deputy, nor any under-ſheriff or his deputy, ſhall act as a ſolicitor, attorney or agent, or ſue out any proceſs at any general or quarter-ſeſſions of the peace to be held for ſuch county or place within this kingdom, where he ſhall execute his office; but if any clerk of the peace or his deputy, or any under-ſheriff or his deputy, ſhall act as a ſolicitor, attorney or agent, as aforeſaid, he ſhall be ſubject to a penalty of 50 *l.* to be recovered in manner aforeſaid.

LXII. *Sect.* 16. Any perſon admitted a ſworn clerk in the office of the ſix clerks of the court of chancery, or bound by contract in writing to ſerve as a clerk for five years, to a ſworn clerk in the ſaid office, and who for the ſaid term of five years ſhall have continued in ſuch ſervice, or ſhall have continued in ſuch ſervice, for three years or more, and ſhall have been admitted a waiting clerk, and acted as ſuch during the reſidue of the ſaid five years, may be examined, ſworn and admitted, and inrolled as a ſolicitor.

LXIII. *Sect.* 17. If any ſworn clerk in the ſaid ſix clerks office, to whom any perſon ſhall be bound by contract in writing to ſerve as a clerk for five years, ſhall die, or ſuch contract ſhall, by conſent of the parties, be vacated, or ſuch clerk be legally diſcharged by any rule or order of the court of chancery, before the expiration of the ſaid five years; then if ſuch clerk ſhall, by contract in writing, be obliged to ſerve, and ſhall accordingly ſerve as a clerk to any other ſworn clerk in the ſaid ſix clerks office, or to any ſolicitor ſworn, admitted and inrolled, purſuant to the 2 *Geo.* 2. *cap.* 23. during the reſidue of the ſaid five years, then ſuch ſervice ſhall be as good as if ſuch clerk had continued to ſerve as a clerk for the term of five years to the ſame perſon to whom he was originally bound.

LXIV. *Sect.* 18. No ſworn clerk in the ſaid ſix clerks office ſhall have more than two clerks at the ſame time, including the clerk entered on the roll kept by the maſter of the rolls or his ſecretary.

LXV. *Sect.* 19. Nothing in this act ſhall extend to the binding, examination, ſwearing, admiſſion, or inrolment of the attornies, or clerks of the offices of the king's remembrancer, treaſurer's remembrancer, pipe or office of pleas in the court of exchequer at *Weſtminſter*; but the ſaid attornies, and clerks of the ſaid offices may be taken, bound, approved, ſworn, admitted, and practiſe in the ſaid court of exchequer, as they uſually have been, and might have done before the making of this act, and may practiſe in any other of the courts of record before-mentioned, in the name and with the conſent of ſome ſworn attorney of ſuch court, ſuch conſent being in writing, and ſigned by ſuch attorney, as they might have done before the making of this act.

LXVI. **Stat.** 23 *Geo.* 2. *cap.* 26. *ſect.* 15. Any perſon who hath been or ſhall be ſworn, admitted and inrolled, a ſolicitor in any court of equity at *Weſtminſter*, as by the 2 *Geo.* 2. *cap.* 23. is directed, may be ſworn, admitted and inrolled an attorney of the

court of king's bench or common pleas at *Weſtminſter*, without any fee for the oath, or any ſtamp on the parchment whereon ſuch admiſſion ſhall be written, if the judges of the king's bench or common pleas, or any of them reſpectively, ſhall, upon examining ſuch ſolicitor be ſatisfied that he is duly qualified.

LXVII. **Stat.** 1 *Geo.* 3. *cap.* 20. *ſect. ult.* Perſons who have omitted to cauſe affidavits to be made and filed of the execution of contracts in writing to ſerve as clerks to attornies or ſolicitors, and who, on or before the 6th of *November* 1761. ſhall cauſe affidavits to be made and filed as they ought to have been, ſhall be indemnified from all penalties and diſabilities.

Time is given to 28 Nov. 1763. *by* 3 Geo. 3. c. 5.

Bank of England.

CXVI. **Stat.** 15 *Geo.* 2. *cap.* 13. The bank ſhall advance and pay into the exchequer 1,600,000 *l.* The bank ſhall continue a body corporate, and enjoy their yearly fund of 100,000 *l.* and all their privileges, ſubject to the following power of redemption. Upon 12 months notice after firſt *Auguſt* 1764. and upon repayment of the ſum of 1,600,000 *l.* formerly advanced, and of the ſum of 1,600,000 *l.* before-mentioned, and of all arrears of the ſaid 100,000 *l. per ann.* and all money owing to them upon tallies, exchequer orders, exchequer bills, or parliamentary funds (ſuch funds for redemption whereof other proviſion is made excepted) the ſaid yearly fund of 100,000 *l.* ſhall ceaſe.

CXVII. *Sect.* 6 & 7. The bank may take in ſubſcriptions from ſuch perſons, upon ſuch terms, and at ſuch times as they ſhall think proper for enlarging their preſent capital, to any ſum not exceeding the further ſum of 1,600,000 *l.* additional ſtock: and the perſons who ſhall ſubſcribe and pay any ſums ſhall be members of and incorporated with the governor and company of the bank of *England*. The capital ſtock ſo increaſed ſhall be transferrable in the ſame manner as the original capital ſtock, and ſhall be free from all taxes, and the transfers thereof ſhall not be liable to any higher ſtamp or other duties than are now payable for transfers of the preſent ſtock.

CXVIII. *Sect.* 8. No perſon, in reſpect of his being governor, deputy governor, director, manager, or member of the ſaid company, or for having any ſhare therein, or for any thing to be by him done in the affairs of the ſaid corporation, ſhall be diſabled from ſerving as a member of parliament; or be ſubject to any penalty for not qualifying himſelf to execute his truſt in the affairs of the ſaid corporation, as perſons who take any place of profit or truſt are ſubject unto; or be liable to be a bankrupt.

CXIX. *Sect.* 11. If any perſon ſhall forge, counterfeit, or alter any bank note, bank bill of exchange, dividend warrant, or any bond or obligation under the common ſeal of the ſaid company, or any indorſement thereon, or ſhall offer or diſpoſe of any ſuch forged, *&c.* note, *&c.* or demand the money therein contained of the ſaid company or any their ſervants, knowing ſuch note, *&c.* to be forged, *&c.* with intent to defraud the ſaid company or any other perſon, every perſon, ſo offending and convicted, ſhall be deemed guilty of felony, and ſhall ſuffer death. *See* Par. XXIX. & LXXXVIII.

CXX. *Sect.* 12. If any officer or ſervant of the ſaid company, intruſted with any note, bill, dividend warrant, bond, deed, or any ſecurity, money, or other effects belonging to the ſaid company, or having any bill, *&c.* of any other perſon depoſited with the ſaid company, or with him as a ſervant of the ſaid company, ſhall ſecrete, imbezil, or run away with any ſuch note, *&c.* or any part of them, every officer or ſervant ſo offending, and convicted, ſhall be deemed guilty of felony and ſhall ſuffer death.

CXXI. *Sect.* 13. Whereas by the charter of the ſaid company, it is ordained, that there ſhall be a governor, deputy governor, and 24 directors of the ſaid corporation, who (or 13 of them, of which the governor or deputy governor to be one) ſhall be a court of directors for managing the affairs of the ſaid corporation, it

is

is enacted, that when a court of directors is ſummoned, and the directors met, if the governor and deputy governor be abſent for two hours after the uſual time of proceeding to buſineſs, it ſhall be lawful for the directors then met, being 13 or more, or the major part of them, to chooſe a chairman for that time, and to proceed to buſineſs. *See* 24 *Geo.* 2. *cap.* 4. *ſect.* 22.

CXXII. *Sect.* 14. This act ſhall be a public act.

CXXIII. **Stat.** 19 *Geo.* 2. *cap.* 6. In purſuance of an agreement with the bank, 986,800 *l.* in exchequer bills, part of the money charged on the duties on licences for retailing ſpirituous liquors by 16 *Geo.* 2. *cap.* 12. remaining unſatisfied, is to be diſcharged, and in lieu thereof, the bank are to have an annuity of 29,472 *l.* (being the intereſt of the ſaid ſum at 4 *per cent.*) to be charged upon the ſame ſecurities, redeemable by payments of not leſs than a moiety at a time. The bank may enlarge their capital, not exceeding the further ſum of 986,800 *l.* Subſcribers thereto to be members of the corporation. The bank to continue a corporation with all their privileges till redemption of the aforeſaid annuity. The bank were alſo to advance 1,000,000 on the credit of the land-tax and malt-tax, for the year 1746. at 4 *per cent.*

CXXIV. **Stat.** 24 *Geo.* 2. *cap.* 4. *ſect.* 21. It ſhall be lawful for the governor and company of the bank of *England*, in any general court, to tranſact buſineſs, without adminiſtering the oaths and affirmation, or ſubſcribing the declaration appointed by their charter; unleſs required by nine or more of the proprietors preſent, qualified to vote at the ſaid general court.

CXXV. *Sect.* 22. When any court of directors of the ſaid company ſhall be met, and ſhall be ſatisfied that the governor and deputy governor will not be preſent, or if the governor and deputy governor ſhall be abſent after the uſual time of proceeding to buſineſs, it ſhall be lawful for the ſaid court of directors to chuſe a chairman for that time (who ſhall alſo preſide at a general court, if any at that time be ſummoned) and to proceed to buſineſs.

The bank is to continue a corporation till the ſeveral annuities eſtabliſhed by parliament are redeemed. 4 Geo. 2. cap. 9. ſect. 33. 15 Geo. 2. cap. 19. ſect. 13. 16 Geo. 2. cap. 13. ſect. 32. 17 Geo. 2. cap. 18. ſect. 28. 18 Geo. 2. cap. 9. ſect. 33. 19 Geo. 2. cap. 6. ſect. 15. and cap. 12. ſect. 59. 20 Geo. 2. cap. 3. ſect. 55. and cap. 10. ſect. 45. 21 Geo. 2. cap. 2. ſect. 36. 22 Geo. 2. cap. 23. ſect. 14. 23 Geo. 2. cap. 16. ſect. 11. 28 Geo. 2. cap. 15. ſect. 31. 29 Geo. 2. cap. 7. ſect. 39. 30 Geo. 2. cap. 19. ſect. 51. 31 Geo. 2. cap. 22. 32 Geo. 2. cap. 10. 33 Geo. 2. cap. 7.

Bankrupts.

The 5 Geo. 2. cap. 30. *is continued by* 4 Geo. 3. cap. 36. *to* 29 *Sept.* 1771, &c.

XCV. **Stat.** 19 *Geo.* 2. *cap.* 32. *ſect.* 1. No creditor of any bankrupt, for goods *bona fide* ſold to ſuch bankrupt, or for any bill of exchange *bona fide* drawn, negociated, or accepted by ſuch bankrupt, in the uſual courſe of trade, ſhall be liable to refund to the aſſignees of ſuch bankrupt's eſtate, any money which, before the ſuing forth of ſuch commiſſion, was *bona fide*, and in the uſual courſe of trade, received of ſuch bankrupt, before the perſon receiving had notice that he was become a bankrupt.

XCVI. *Sect.* 2. The obligee in any bottomree, or *reſpondentia* bond, and the aſſured in any policy of inſurance, made upon valuable conſideration, *bona fide*, ſhall be admitted to claim; and after the loſs or contingency ſhall have happened, to prove their debt and demands in reſpect of ſuch bond or policy, in like manner as if the loſs or contingency had happened before the iſſuing of the commiſſion of bankruptcy againſt ſuch obligor or inſurer; and ſhall have a proportionable dividend of ſuch bankrupt's eſtate; and every perſon againſt whom any commiſſion of bankruptcy ſhall be awarded, ſhall be diſcharged of the debt owing on every ſuch bond and policy of inſurance, and ſhall have the benefit of the ſtatutes againſt bankrupts, in like manner as if ſuch loſs or contingency had happened, and the money due in reſpect thereof had become payable, before the iſſuing of ſuch commiſſion.

XCVII. **Stat.**

Bankrupts.

XCVII. **Stat.** 24 *Geo.* 2. *cap.* 57. *ſect.* 9. Where any perſon ſhall fraudulently ſwear, or being Quakers affirm, before the major part of the commiſſioners named in any commiſſion of bankruptcy, or by affidavit or affirmation exhibited to them, that a ſum of money is due to him from any bankrupt, which ſhall not be really ſo due, and ſhall, in reſpect of ſuch pretended debt, ſign his conſent to the certificate for ſuch bankrupt's diſcharge from his debts, unleſs ſuch bankrupt ſhall, before ſuch time as the major part of the commiſſioners ſhall have ſigned ſuch certificate, by writing by him ſigned, and delivered to one of the commiſſioners, or one of the aſſignees, diſcloſe the ſaid fraud, and object to the reality of ſuch debt, ſuch certificate ſhall be void, and ſuch bankrupt ſhall not be diſcharged from his debts, or have any of the benefits of 5 *Geo.* 2. *cap.* 30.

XCVIII. *Sect.* 10. Where any creditor of any bankrupt reſides in foreign parts, the letter of attorney of ſuch creditor, atteſted by a notary public in the uſual form, ſhall be evidence of the power by which any perſon thereby authorized ſhall ſign any bankrupt's certificate.

Bawdy-houſes.

I. **Stat.** 25 *Geo.* 2. *cap.* 36. *ſect.* 5. If any two inhabitants of any pariſh or place, paying ſcot, and bearing lot therein, give notice in writing to any conſtable (or other peace officer, where there is no conſtable) of ſuch pariſh, *&c.* of any perſon keeping a bawdy-houſe, gaming-houſe, or any other diſorderly houſe, in ſuch pariſh, *&c.* the conſtable, or officer receiving ſuch notice, ſhall forthwith go with ſuch inhabitants to a juſtice of peace of the county or liberty; and ſhall, upon ſuch inhabitants making oath before ſuch juſtice, that they believe the contents of ſuch notice to be true, and entering into a recognizance in the penal ſum of 20*l.* each, to give or produce material evidence againſt ſuch perſon for ſuch offence, enter into a recognizance in the penal ſum of 30*l.* to proſecute with effect ſuch perſon for ſuch offence at the next general or quarter-ſeſſion of the peace, or at the next aſſizes for the county in which ſuch place lies, as to the ſaid juſtice ſhall ſeem meet; and ſuch conſtable, *&c.* ſhall be allowed the expences of ſuch proſecution, to be aſcertained by two juſtices of peace of the county, *&c.* where the offence ſhall have been committed, and ſhall be paid the ſame by the overſeers of the poor of ſuch pariſh, *&c.* and in caſe ſuch perſon be convicted, the overſeers of the poor of ſuch pariſh, *&c.* ſhall pay 10*l.* to each of ſuch inhabitants; and in caſe ſuch overſeers neglect to pay to ſuch conſtable, *&c.* ſuch expences of proſecution, or neglect to pay upon demand the ſaid ſums of 10*l.* and 10*l.* ſuch overſeers, and each of them, ſhall forfeit to the perſon intitled to the ſame, double the ſum ſo neglected to be paid.

II. *Sect.* 6 Upon ſuch conſtable, *&c.* entering into ſuch recognizance to proſecute, the juſtice ſhall make out his warrant to bring the perſon accuſed before him, and ſhall bind him over to appear at ſuch general or quarter-ſeſſion or aſſizes, to anſwer to ſuch indictment as ſhall be found againſt him; and ſuch juſtice may, if he thinks fit, take ſecurity for ſuch perſon's good behaviour in the mean time.

III. *Sect.* 7. In caſe ſuch conſtable ſhall neglect, upon ſuch notice, to go before any juſtice of peace, or to enter into ſuch recognizance; or ſhall be wilfully negligent in carrying on the proſecution, he ſhall for every ſuch offence forfeit 20*l.* to each of ſuch inhabitants ſo giving notice.

IV. *Sect.* 8. Any perſon who ſhall appear, act, or behave him or herſelf, as maſter or miſtreſs, or as having the management of any bawdy-houſe, gaming-houſe, or other diſorderly houſe, ſhall be deemed the keeper thereof, and ſhall be liable to be puniſhed as ſuch, notwithſtanding he or ſhe ſhall not be the real owner or keeper.

V. *Sect.* 9. Upon any ſuch proſecution againſt any perſon for keeping a bawdy-houſe, gaming-houſe, or other diſorderly houſe, any perſon may give evidence againſt the defendant, or on behalf of the defendant, notwithſtanding his being an inhabitant of the pariſh, or having entered into ſuch recognizance.

VI. *Sect.* 10. No indictment preferred againſt any perſon for keeping a bawdy-houſe, gaming-houſe, or other diſorderly houſe, ſhall be removed by any writ of *certiorari* into

any other court; but ſhall be tried, and finally determined, at the ſame general or quarter-ſeſſions or aſſizes, where ſuch indictment ſhall have been preferred unleſs the court think proper, upon cauſe ſhewn, to adjourn the ſame.

For recovery of theſe penalties, ſee ſect. 13. Plays and Games.

Beads.

I. Stat. 17 *Geo.* 2. *cap.* 31. *ſect.* 1. The preſent duties on glaſs beads ſhall ceaſe; and in lieu thereof ſhall be paid, for all glaſs beads imported, whether plain or manufactured, mixed or coloured, the ſame duties as are now payable for great bugles imported; which ſhall be raiſed by ſuch rates and means, with the like diſcounts on importation, and the ſame drawbacks on exportation, and under ſuch penalties, and be applicable to the ſame uſes, as the preſent duties on great bugles.

II. *Sect.* 2. This act ſhall not alter the duties on ſmall or ſeed bugle.

Bent.

I. Stat. 15 *Geo.* 2. *cap.* 33. *ſect.* 6. Whereas upon the north-weſt coaſts of this kingdom, the ſea is bounded by large ſand-hills, compoſed of ſuch looſe ſand, that by any violent weſt winds, the ſame is carried away and thrown upon the adjacent lands; and it has been found that the beſt way to preſerve the ſaid hills, is to plant them with a ruſh or ſhrub called ſtarr or bent, which keeps the ſame firm and ſolid; be it enacted, that if any perſon ſhall, by day or night, without the conſent of the owner of ſuch ſtarr or bent hills, cut, pull up, or carry away any ſtarr or bent planted on the ſaid hills on the north-weſt coaſts of *England*, to prevent the ſame from being blown upon the adjacent lands, it ſhall be lawful for any juſtice of peace, of the county or diviſion where ſuch ſtarr or bent ſhall be cut, *&c.* upon complaint or information, upon oath, to ſummon the party complained of, and in default of appearance, to iſſue his warrant to apprehend the perſon accuſed; and upon proof, either by confeſſion or upon oath of one witneſs, to convict the offender; and every perſon ſo offending, and convicted, ſhall forfeit 20*s.* one moiety to the informer, and the other moiety to the owner of ſuch ſand-hills, to be levied by diſtreſs and ſale of goods, by warrant of ſuch juſtice; and for want of ſufficient diſtreſs, the juſtice ſhall commit the perſon convicted to the houſe of correction, to be kept to hard labour for three months; and if any perſon, ſo convicted, ſhall be guilty of a ſecond offence, and thereof convicted, he ſhall be committed to the houſe of correction for one year, there to be whipt and kept to hard labour.

II. *Sect.* 7. And if any ſtarr or bent ſhall be found in the poſſeſſion of any perſon within five miles of any ſuch ſand-hills, ſuch perſon being convicted, ſhall be deemed the cutter and puller of ſuch ſtarr and bent from ſuch ſand-hills, and ſhall forfeit 20*s.* one moiety to the owner of ſuch ſand-hills, to be levied as aforeſaid; and for want of ſufficient diſtreſs, ſuch perſon ſhall be committed as aforeſaid, to the houſe of correction, there to be kept to hard labour for three months.

III. *Sect.* 8. Nothing in this act ſhall extend to reſtrain any perſon from the exerciſe of any ancient preſcriptive right, to cut ſtarr or bent upon the ſea coaſts in *Cumberland*.

IV. *Sect.* 9. If any bent ſhall be pulled or cut from any ſand-hills in *Scotland*, either by the lord or owner thereof, or by any other perſon, ſuch perſon, being convicted, ſhall be ſubject to the like penalties, to be diſpoſed of in ſuch manner as is mentioned in the act of the parliament in *Scotland*, in the year 1695. *Will. par.* 1. *ſeſſ.* 5. *cap.* 30. and if any bent be found in the poſſeſſion of any perſon within eight miles of any ſand-hills in *Scotland*, he ſhall be deemed the puller or cutter, and ſhall be ſubject as a puller of bent to the like penalties, to be diſpoſed of as in the ſaid act is mentioned.

Books, prints, paper and paſtboard.

LXXIV. **Stat.** 12 *Geo.* 2. *cap.* 36. *ſect.* 1. It ſhall not be lawful for any perſon to import into this kingdom for ſale, any books firſt compoſed, and printed and publiſhed in this kingdom, and re-printed in any other country; and if any perſon import for ſale, any ſuch books, or knowing the ſame to be ſo reprinted or imported, ſell, publiſh, or expoſe to ſale any ſuch books, he ſhall forfeit the ſaid books; and the ſame ſhall be forthwith damaſked, and made waſte paper: and every ſuch offender ſhall forfeit 5 *l.* and double the value of every book, one moiety to the King, and the other moiety to any perſon that ſhall ſue; to be recovered with coſts in any court of record at *Weſtminſter*, by action of debt, *&c.* in which no wager of law, *&c.* ſhall be allowed; and if the offence be committed in *Scotland*, to be recovered before the court of ſeſſion there, by ſummary action: provided that this act ſhall not extend to any book that has not been printed or re-printed in this kingdom within 20 years before the ſame be imported.

LXXV. *Sect.* 2. Nothing in this act ſhall extend to prevent the importation of any book firſt compoſed, and printed in this kingdom, which ſhall be re-printed abroad, and inſerted among other books or tracts, and to be ſold therewith, in any collection, where the greateſt part of ſuch collection ſhall have been firſt compoſed, and printed abroad. *Sect.* 3. *Repeals*, 8 Ann. cap. 19. ſect. 4.

LXXVI. *Sect.* 4. This act (except ſo much as repeals 8 *Ann. cap.* 19. *ſect.* 4.) ſhall be in force fr m the 29th of *September* 1739. for ſeven years, and to the end of the then next ſeſſion of parliament.

Continued by 33 Geo. 2. cap. 16. ſect. 5. *to* 29 Sept. 1767. *and to the end of the next ſeſſion.*

Brandy, arrack, rum, and ſpirituous liquors.

The 8 Geo. 1. cap. 18. *is continued to* 29 Sept. 1767, &c. *by* 33 Geo. 2. cap. 16.

CVIII. **Stat.** 15 *Geo.* 2. *cap.* 25. *ſect.* 1. Rum or ſpirits of the growth, or manufacture of the *Britiſh* ſugar plantations, imported directly from the ſaid plantations, upon entry thereof may before payment of the duty of exciſe be landed, and put into ſuch warehouſe as ſhall be provided (at the charge of the proprietors or importers) and approved of by the commiſſioners of exciſe, upon the proprietor or importer firſt giving (at his charge) his bond, or other ſufficient ſecurity, for payment of all the duties of exciſe, which ſuch rum, *&c.* is charged with, as ſoon as the ſame ſhall be ſold, in caſe the ſame be ſold within ſix months after landing; and if not ſold within ſix months, then to pay the ſame at the end of ſix months; ſuch duty of exciſe to be computed according to the gauge taken at the time of landing.

CIX. *Sect.* 2. Such rum, *&c.* ſo brought into ſuch warehouſe, ſhall not be taken out thence, on any account, other than is after-mentioned.

CX. *Sect.* 3. If any ſuch rum, *&c.* be landed before due entry made at the cuſtom-houſe, and with the collector of exciſe at the port where imported, and the duties of exciſe ſecured, or without a warrant for the landing, firſt ſigned by the collector or other proper officer of exciſe, or without the preſence of an exciſe officer, all ſuch rum, *&c.* or the value ſhall be forfeited, and may be recovered, one moiety to the uſe of his Majeſty, the other moiety to the uſe of ſuch perſon as will ſeize, inform or ſue, to be recovered or mitigated, as any penalty by any law of exciſe, or by action of debt, *&c.* in any court of record at *Weſtminſter* for *England*, or the court of exchequer at *Edinburgh* for *Scotland*.

CXI. *Sect.* 4. Before ſuch rum, *&c.* of the *Britiſh* ſugar plantations be landed and lodged, a mark ſhall be ſet on every caſk, mentioning the quantity therein, according to the gauge, and who is the proprietor or importer: and the keeper of ſuch warehouſe, and the perſon appointed by the commiſſioners of exciſe to attend the warehouſes, ſhall each of them keep books, wherein they ſhall ſeparately enter an account of all rum, *&c.* brought into and carried out of the warehouſes to which they

they belong, and the times when brought in, and carried out, and the name of the perſon to whom, or for whoſe uſe delivered out, and ſhall at the end of every ſix months, or oftener, if required, tranſmit an account upon oath to the commiſſioners of exciſe, with an account of how much is then remaining in the warehouſe; and the commiſſioners of exciſe ſhall, within one month after the ſame is tranſmitted to them, examine the ſaid accounts; and if it appear, that any of the rum or ſpirits were delivered out, otherwiſe than as herein is mentioned, or before payment of the inland duties of exciſe, then the warehouſe-keeper, and officer offending therein, ſhall not only be diſabled to hold any public office, but ſhall alſo forfeit for every ſuch offence, 100*l.* to be recovered or mitigated, as any penalty by any law of exciſe, or by action of debt, *&c.* in any court of record at *Weſtminſter* for *England*, or the court of exchequer at *Edinburgh* for *Scotland*.

CXII. *Sect.* 5. The rum, *&c.* ſo lodged in warehouſes, may be delivered out upon payment of the exciſe: and upon the proprietor or importer, or ſuch perſon as ſhall be appointed by him, producing to the warehouſe-keeper, and the officer appointed by the commiſſioners of exciſe to attend theſe warehouſes, a warrant ſigned by the collector, or other proper officer of exciſe appointed to receive the duties, certifying that he has received all the duties; ſuch warehouſe-keeper and officer of exciſe attending ſuch warehouſe, ſhall deliver out ſo much rum, *&c.* as ſhall be mentioned in ſuch warrant: and the warehouſe-keeper is thereupon to give ſuch proprietor, *&c.* a permit, to accompany ſuch rum, *&c.* which permit ſhall be alſo ſigned by the exciſe officer attending the warehouſe, to prevent the ſeizing thereof.

CXIII. *Sect.* 6. No proprietor, importer, or buyer of the ſaid rum, *&c.* or other perſon appointed, ſhall receive out of any ſuch warehouſes, any leſs quantity at one time, than one puncheon, hogſhead or caſk, containing not leſs than 20 gallons, unleſs ſuch rum was for the uſe of the ſeamen in the voyage.

CXIV. *Sect.* 7. It ſhall be lawful for the proprietor or importer, to affix one lock to every ſuch warehouſe, the key of which ſhall remain in his cuſtody; and for the officer appointed by the commiſſioners of exciſe to attend ſuch warehouſe, to affix one other lock, the key whereof to remain in his cuſtody; and the proprietor, *&c.* may in the preſence of the warehouſe-keeper, or exciſe officer (who are to attend at all reaſonable times for that purpoſe) view, examine, ſhew, and receive out of the ſaid warehouſe the ſaid rum, *&c.* or any part thereof, not leſs than the quantity before-mentioned, upon paying the duty; and producing ſuch certificate from the collector, of the ſame being paid.

CXV. *Sect.* 8. All ſuch rum, *&c.* ſo lodged in any warehouſe, ſhall be ſubject to the ſame duties, both of exciſe and cuſtoms, and to the ſame regulations as are by the ſeveral acts, by which the ſaid duties are granted, deſcribed, except in the inſtances hereby provided for.

CXVI. *Sect.* 9. In caſe ſuch rum, *&c.* ſhall, after landed, be permitted to remain in ſuch warehouſe longer than ſix months, and the proprietor, *&c.* ſhall not within the ſaid ſix months pay the exciſe; and ſhall omit to procure ſuch certificate from ſuch collector or receiver, to ſuch warehouſe-keeper, and to the officer of exciſe attending the ſame; it ſhall be lawful for the commiſſioners of exciſe, to order ſuch rum, *&c.* to be put up to ſale at public auction to the beſt bidder; and the money ariſing by ſuch ſale, ſhall be applied in diſcharge of the duty, and the charges attending ſuch warehouſe, and the expence of ſuch ſale; and the ſurplus ſhall be paid to the proprietor.

CXVII. *Sect.* 10. This act ſhall continue from the 29th of *September* 1742. to the 29th of *September* 1749. and to the end of the next ſeſſion of parliament.

Continued to 29 Sept. 1771. *and to the end of the then next ſeſſion, by* 4 Geo. 3. cap. 12. ſect. 2.

CXVIII. **Stat.** 16 *Geo.* 2. *cap.* 8. *ſect.* 1. The duty of 20*s.* *per* gallon upon ſpirituous liquors retaled, and the ſum of 50*l.* yearly, for a licence granted by 9 *Geo.* 2. *cap* 23. ſhall ceaſe.

CXIX. *Sect.* 2. In lieu thereof, there ſhall be paid unto his Majeſty, by the maker, for ſpirituous liquors made in *Great Britain*, (over and above all duties, by any former act impoſed) the duties of exciſe after-mentioned, *viz.*

For

Brandy, arrack, rum, and ſpirituous liquors.

For every gallon of low-wines or ſpirits of the firſt extraction, made from any imported materials, or any mixture therewith, 6*d.*

For every gallon of low-wines, made only from any ſort of drink or waſh, brewed from any ſort of malt or corn, other than brewers waſh and tilts, 1*d.*

For every gallon of low-wines, made from brewers waſh or tilts, or any mixture therewith, 1*d.*

For every gallon of low-wines, made from any other ſort of *Engliſh* materials, or any mixture therewith, 1*d.* ½

For every gallon of ſpirits made in *Great Britain* of any kind of wine or cyder imported, 6*d.*

For every gallon of ſtrong waters or *Aqua vitæ* made for ſale of any other materials, 3*d.*

CXX. *Sect.* 3. Such of the duties as are charged upon ſpirituous liquors made in *England*, *Wales*, or *Berwick*, ſhall be under the management of the commiſſioners and officers of the exciſe in *England*, and ſuch as are impoſed upon ſpirituous liquors made in *Scotland*, ſhall be under the management of the commiſſioners and officers of exciſe in *Scotland*, and the ſaid commiſſioners have hereby power, by commiſſion under their reſpective hands and ſeals, to appoint neceſſary officers; and all monies ariſing by the ſaid duties, (the charges of raiſing and accounting excepted) ſhall be paid into the receipt of the exchequer, apart from all other branches of the revenue.

CXXI. *Sect.* 4. All the powers, directions, penalties, *&c.* in the 12 *Car.* 2. *cap.* 24. or in the 9 *Geo.* 2. *cap.* 23. or by any other law in force, relating to the exciſe upon liquors, except where other penalties or proviſions are preſcribed by this act, ſhall be exerciſed, for the managing the duties granted by this act; and one moiety of the fines and forfeitures hereby granted, ſhall be paid to his Majeſty, and the other moiety to the perſon who ſhall inform and ſue.

CXXII. *Sect.* 5. All fines and forfeitures by this act impoſed, ſhall be ſued for, levied, recovered or mitigated as any fine, may be by any law of exciſe, or by action of debt, *&c.* in any court of record at *Weſtminſter*, or in the court of ſeſſion, court of juſticiary, or court of exchequer in *Scotland*; and one moiety ſhall be to his Majeſty, and the other moiety to him who ſhall inform or ſue.

CXXIII. *Sect.* 6. If any perſon be ſued, for any thing done in purſuance of this or any other act relating to the exciſe, or other duties under the management of the commiſſioners of exciſe, ſuch perſon may plead the general iſſue, and if a verdict paſs for the defendant, *&c.* he ſhall have treble coſts.

CXXIV. *Sect.* 7. There ſhall be a drawback of the duties charged by this act on ſpirits that ſhall be exported; and upon oath made before any two commiſſioners of exciſe, or juſtices of peace for the county or place from whence ſuch ſpirits are to be exported, that the duties are duly entered and paid, and that the ſame are exported for merchandize to be ſpent beyond the ſeas; and upon producing a certificate under the hands of the officers of exciſe, for the port where ſuch ſpirits were ſhipped, the quantities ſo ſhipped, and that the ſame were ſhipped in the preſence of ſuch officers, the exporter ſhall be paid back by the commiſſioners of exciſe, or their collector, the duties charged thereupon by this act.

CXXV. *Sect.* 8. No perſon ſhall preſume by himſelf or others, to retale any brandy, or other ſpirituous liquors unmixed or mixed, by whatſoever names they may be called, without firſt taking out a licence, within 10 days at leaſt before he retales the ſame, for which he ſhall immediately pay 20*s.* in manner following, *viz.* if ſuch licence be taken out within the limits of the bills of mortality, then ſuch licence ſhall be granted under the hands and ſeals of two commiſſioners of exciſe, and the duties ſhall be paid at the chief office of exciſe in *London*, or at any other place, and to ſuch perſons as the commiſſioners ſhall appoint; who ſhall deliver ſuch licences to any perſon paying for the ſame 20*s.* But if ſuch licence be taken out without the limits aforeſaid, then ſuch licence ſhall be granted under the hands and ſeals of the ſeveral collectors and ſuperviſors of exciſe, within their reſpective diſtricts, and the duty ſhall be paid by the perſons taking out ſuch licence, at the office of exciſe next adjoining to the place where they reſide, or at any other place, and to ſuch perſons as the commiſſioners of exciſe ſhall appoint; who are to deliver ſuch licences to any perſon paying for the ſame 20*s.* And in caſe ſuch licences be taken out within the limits of the city of *Edinburgh*, ſuch

licences ſhall be granted under the hands and ſeals of two commiſſioners of exciſe in *Scotland*, and the duties ſhall be paid at the chief office of exciſe in *Edinburgh*; but if ſuch licences be taken out in any other part of *Scotland*, without the limits aforeſaid, then ſuch licences ſhall be granted under the hands and ſeals of the ſeveral collectors and ſupervifors of exciſe in *Scotland*, within their reſpective diſtricts, and the duties ſhall be paid as is directed with regard to the licences taken out in *England*, without the limits of the bills of mortality.

CXXVI. *Sect.* 9. Every perſon who ſhall take out ſuch licence, ſhall take out a freſh licence 10 days at leaſt, before the expiration of 12 months after the taking out the firſt licence, before he preſume to retale any ſuch ſpirituous liquors, and in the ſame manner renew every ſuch licence from year to year, paying 20*s.* for every new licence; and if any perſon retale any ſpirituous liquors, without taking out ſuch licence, and renewing the ſame, yearly, he ſhall forfeit 10*l.* for each offence; and in caſe ſuch perſon neglect to pay, the ſame being lawfully demanded, it ſhall be lawful for any juſtice of peace of any county, *&c.* upon information upon oath of ſuch refuſal or neglect, by warrant to commit ſuch perſon to the houſe of correction for the county or liberty wherein ſuch perſon reſides, there to be kept to hard labour for two months; and the perſon ſhall not be diſcharged until he has paid the ſaid 10*l.* or until the expiration of the ſaid two months.

CXXVII. *Sect.* 10. No licence ſhall be granted to any perſon for ſelling by retale any ſpirituous liquors, except to ſuch who ſhall keep taverns, victualling-houſes, inns, coffee-houſes or ale-houſes; and licences granted to any other perſons ſhall be void.

CXXVIII. *Sect.* 11. Nothing in this act ſhall extend to enable any perſon to ſell any ſpirituous liquors by retale, unleſs he be firſt licenſed to ſell ale or ſpirituous liquors by two or more juſtices of peace for the county or liberty, wherein he ſells the ſaid liquors, under the hands and ſeals of the ſaid juſtices.

CXXIX. *Sect.* 12. This act ſhall not extend to any phyſicians, apothecaries, ſurgeons or chymiſts, as to any ſpirituous liquors, which they may uſe in the making up of medicines for ſick, lame, or diſtempered perſons only. And no perſon ſhall be deemed a retaler of ſpirituous liquors, who doth not by himſelf, or by his ſervant or other perſon, retale the ſame, to be drank in his warehouſes, ſhops, rooms, or other places, or that ſhall ſend the ſame abroad in leſs quantities than one pint. *See* Par. CXXXIV.

CXXX. *Sect.* 13. Nothing in this act ſhall charge with any of the duties directed to be paid, as aforeſaid, any ſpirits diſtilled from malt, and retaled, and conſumed in *Scotland*, called *Aqua vitæ*, or to ſubject the makers or retalers in that part of the kingdom to take ſuch licences.

CXXXI. **Stat.** 17 *Geo.* 2. *cap.* 17. *ſect.* 16. Whereas a doubt has ariſen whether by 16 *Geo.* 2. *cap.* 8. the juſtices of the peace have power to mitigate the penalty inflicted on perſons convicted of retaling ſpirituous liquors without a licence, and in caſe of non-payment, to levy the ſame by diſtreſs and ſale of the goods of the offender; be it enacted, that all penalties by the ſaid act, and by this act impoſed, may be ſued for, recovered, levied and mitigated, as any penalty may be ſued for, *&c.* by the laws of exciſe.

CXXXII. *Sect.* 17. It ſhall be lawful for any juſtices before whom ſuch offender ſhall be convicted, inſtead of levying the penalty, to commit ſuch offender to the houſe of correction, to be kept to hard labour for two months; and in ſuch caſe, ſuch perſon ſo committed, ſhall before his diſcharge, be ſtript naked from the middle upwards, and be whipt, until his or her body be bloody.

CXXXIII. *Sect.* 18. Where a licence is granted for retaling ſpirituous liquors, to any perſon who at the time of granting ſuch licence keeps a tavern, victualling-houſe, inn, coffee-houſe, or ale-houſe, if ſuch perſon afterwards, during the continuing ſuch licence, exerciſes the trade of a diſtiller, grocer or chandler, or keeps a brandy ſhop for ſale of any ſpirituous liquors, the licence ſhall be void; and ſuch perſons retaling ſuch ſpirituous liquors afterwards, ſhall forfeit 10*l.* for every ſuch offence, notwithſtanding ſuch licence.

CXXXIV. *Sect.* 19. Every perſon who ſhall, by himſelf or others, retale any ſpirituous liquors mixed or unmixed to be drank in any quantity in his houſe, or other place to

him belonging, or ſhall retale or ſend the ſame abroad out of his houſe, &c. in leſs quantity than two gallons, without a licence, ſhall be deemed a retaler, and ſhall forfeit 10*l.* for every ſuch offence.

CXXXV. *Sect.* 20. Where offenders are not able to pay the pecuniary penalties of the ſaid act, or of this act, but are ſent to the houſe of correction, it ſhall be lawful for the commiſſioners of exciſe in *England* and *Scotland* reſpectively, to cauſe rewards, not exceeding 5*l.* to be paid to the informers, out of any money ariſen by any penalties incurred by the ſaid former or by this act; and the money ſo paid ſhall be allowed in their account, as ſo much paid to his Majeſty.

CXXXVI. *Sect.* 21. No licence ſhall authorize any perſon to ſell ſpirituous liquors in any other place, except in ſuch houſes or places thereunto belonging, wherein he dwells at the time of granting ſuch licence.

CXXXVII. **Stat.** 19 *Geo.* 2. *cap.* 12. *ſect.* 24. There ſhall be paid unto his Majeſty, for the ſeveral ſpirituous liquors made and manufactured in *Great Britain*, and herein after-mentioned (over and above all duties, by any former acts impoſed) the ſeveral duties of exciſe after-mentioned, *viz.*

For every gallon of low-wines or ſpirits of the firſt extraction, made from foreign materials or any mixture therewith, to be paid by the diſtillers, 3 *d.*

For every gallon of low-wines, made only from any drink or waſh, brewed or made from any malt or corn, except brewers waſh or tilts, to be paid by the diſtillers, $\frac{1}{2}$ *d.*

For every gallon of low-wines, made from brewers waſh or tilts, or mixture therewith, to be paid by the diſtillers, $\frac{1}{2}$ *d.*

For every gallon of low-wines, made from any other ſort of *Engliſh* materials, or any mixture therewith, to be paid by the diſtillers, $\frac{3}{4}$ *d.*

For every gallon of ſpirits made in *Great Britain* of any kind of wine or cyder imported, to be paid by the diſtillers, 3 *d.*

For every gallon of ſtrong waters or *Aqua vitæ* made for ſale of any other materials, to be paid by the diſtillers, 1 *d.* $\frac{1}{2}$.

CXXXVIII. *Sect.* 25. Such of the duties as are charged upon ſpirituous liquors made in *England*, *Wales*, or *Berwick*, ſhall be under the management of the commiſſioners of exciſe in *England*, and ſuch as are impoſed upon ſpirituous liquors made in *Scotland*, ſhall be under the management of the commiſſioners of exciſe in *Scotland*: and the reſpective commiſſioners, or major part of them, have power by commiſſion under their hands and ſeals, to appoint neceſſary officers; and all monies ariſing by the ſaid duties in *Great Britain*, (the neceſſary charges excepted) ſhall be paid into the exchequer at *Weſtminſter*, diſtinctly from all other branches of the public revenues.

CXXXIX. *Sect.* 26. There ſhall be a drawback of the duties charged by this act on ſpirits that ſhall be exported; and upon oath made before any two commiſſioners of exciſe, or juſtices of peace for the county or place from whence ſuch ſpirits are to be exported, that the duties are paid, and that the ſame are exported to be ſpent beyond the ſeas; and producing a certificate under the hands of the officers of exciſe for the port where ſuch ſpirits were ſhipped off, the quantities ſo ſhipped, and that the ſame were ſhipped in the preſence of ſuch officers, the exporter ſhall be allowed by the commiſſioners of exciſe, or their collector for the port where ſuch ſpirits ſhall be ſhipped, the duties charged by this act.

CXL. *Sect.* 27. Nothing in this act ſhall charge with the additional duties, any low-wines or ſpirits of the firſt extraction, made from melaſſes only; but the ſame ſhall remain liable only to the duty of 12 *d.* for every gallon, and all ſpirits from ſuch low-wines or ſpirits of the firſt extraction, made from melaſſes only, ſhall remain liable only to the duty of 6 *d.* *per* gallon.

For the reſt of this act, ſee **Glaſs.**

CXLI. **Stat.** 20 *Geo.* 2. *cap.* 39. *ſect.* 3. *By this act diſtillers within the bills of mortality were permitted to take licences to retale ſpirituous liquors; that is prohibited by* 24 Geo. 2. cap. 40. ſect. 3. Par. CXLVI. *but the penalties of this act are not repealed.*

No diſtiller ſhall, by virtue of any ſuch licence, retale any ſpirituous liquors, or ſtrong waters, in any other place than his ſhop, and in no more than one ſhop by virtue of one licence, under the penalty of 10 *l.*

CXLII. *Sect.* 4. If any diſtiller licenſed by virtue of this act, ſell any ſpirituous liquors to be drank in his ſhop, or places thereunto belonging, or permit any perſon to drink any ſuch liquors in any the places aforeſaid, he ſhall, for every ſuch offence, forfeit 10 *l.* all which penalties ſhall be recovered and mitigated, as by the laws of exciſe; one moiety whereof ſhall be to his Majeſty, and the other moiety to him who ſhall diſcover and proſecute.

CXLIII. *Sect.* 5. Every perſon who ſhall be found drinking or tippling in the ſhop, or other place belonging to any diſtiller, contrary to this act, ſhall, for every ſuch offence, forfeit 20*s.* to be recovered by complaint within three weeks after ſuch offence, before a juſtice of peace for and near the place where the ſame ſhall happen, who is to ſummon the party offending; and in default of appearance, to iſſue warrants for apprehending him, and then to examine ſuch complaint upon oath, and upon proof by the oath of one witneſs to convict the offender; and if ſuch forfeitures be not forthwith paid, the ſame ſhall be levied by diſtreſs and ſale of ſuch offender's goods; and ſuch forfeitures ſhall be applied to the uſe of the poor of the pariſh where ſuch offence is committed; and for want of ſufficient diſtreſs, ſuch offender ſhall be committed to the houſe of correction, for any time not exceeding two months, and not leſs than 14 days, there to be kept to hard labour; and no perſon ſo convicted ſhall be capable of receiving any part of the penalties incurred by the diſtiller, who ſells ſuch liquors to be drank.

CXLIV. **Stat.** 24 *Geo.* 2. *cap.* 40. *ſect.* 1. There ſhall be paid unto his Majeſty, for the ſpirituous liquors after-mentioned, to be paid by the diſtillers (over and above all former duties) the duties of exciſe herein after-mentioned, *viz.*

For every gallon of low-wines, or ſpirits of the firſt extraction, made from any ſort of drink or waſh, brewed from any ſort of malt or corn, or from brewers waſh or tilts, or any mixture with ſuch brewers waſh or tilts, 1 *d.* $\frac{1}{2}$.

For every gallon of ſtrong waters, or *Aqua vitæ*, made for ſale of the materials aforeſaid, or any of them, 4 *d.* $\frac{1}{2}$.

For every gallon of low-wines, or ſpirits of the firſt extraction, made from cyder, or any kind of *Britiſh* materials, except thoſe before-mentioned, or any mixture therewith, 1 *d.* $\frac{3}{4}$.

For every gallon of ſpirits made for ſale from cyder, or any kind of *Britiſh* materials, except thoſe before-mentioned, 3 *d.* $\frac{1}{2}$.

CXLV. *Sect.* 2. Such of the duties as are charged upon ſpirituous liquors made in, or imported into *England*, *Wales*, or *Berwick*, ſhall be under the management of the commiſſioners of exciſe in *England*; and ſuch as are impoſed upon ſpirituous liquors made in, or imported into *Scotland*, ſhall be under the management of the commiſſioners of exciſe in *Scotland*; and the reſpective commiſſioners of exciſe, may by commiſſion under their hands and ſeals, appoint neceſſary officers: and all monies ariſing by the ſaid duties (the charges of raiſing and accounting excepted) ſhall be paid into the exchequer at *Weſtminſter*, apart from all other branches of the public revenues, ſubject to the ſame uſes reſpectively, as the preſent duties on ſpirituous liquors and licences.

CXLVI. *Sect.* 3. The duty of 5 *l.* payable by every diſtiller within the bills of mortality, for a licence to ſell ſpirituous liquors by retale, granted by 20 *Geo.* 2. *cap.* 39. ſhall ceaſe; and no diſtiller ſhall have a licence, or be permitted to ſell any ſpirituous liquors mixed or unmixed by retale.

CXLVII. *Sect.* 4. Provided nothing herein ſhall repeal the penalties impoſed by the ſaid act 20 *Geo.* 2. *cap.* 39.

CXLVIII. *Sect.* 5. In lieu of the ſaid duty, there ſhall be paid unto his Majeſty an additional duty of 20*s.* *per annum*, for every licence taken out by any perſon for the retaling ſpirituous liquors, purſuant to the directions of 16 *Geo.* 2. *cap.* 8. and of this act, which ſhall be paid in like manner, and at the ſame time, and be levied by the ſame means,

means, and under the like penalties, as the duty upon licences to be granted by virtue of the ſaid 16 *Geo.* 2. *cap.* 8.

CXLIX. *Sect.* 6. All the powers and clauſes in 12 *Car.* 2. *cap.* 24. or by any law now in force relating to the exciſe upon beer, ale, or other liquors, (not altered by this act) ſhall be exerciſed for the managing, levying, mitigating, adjudging and paying, the duties and penalties hereby granted, and for preventing and puniſhing frauds relating thereto.

CL. *Sect.* 7. The penalty of 10 *l.* mentioned in 16 *Geo.* 2. *cap.* 8. *ſect.* 9. and in 17 *Geo.* 2. *cap.* 17. *ſect.* 18. may be recovered within the limits of the head office of exciſe in *London*, before a juſtice of peace; and any perſon retaling diſtilled ſpirituous liquors without a licence, within the limits of the ſaid head office, may be convicted before any juſtice of peace for the city, county or liberty, where the offence is committed, as well as before the commiſſioners of exciſe; and ſuch penalty ſhall not, either by the commiſſioners or juſtices, be mitigated below 5 *l.*

CLI. *Sect.* 8. No licence for ſelling by retale ſpirituous liquors, ſhall be granted, within the limits of the head office of exciſe in *London*, but to ſuch as ſhall occupy a tenement of the yearly value of 10 *l.* and for which they ſhall accordingly be rated and pay in the pariſh rates; nor to any perſon in any other part of the kingdom, where there are rates to church and poor, but to ſuch as ſhall be aſſeſſed and pay to the church and poor in the pariſhes in which they be licenſed; and no licence ſhall be of any avail to any perſon not ſo qualified, or for any longer time than the perſon ſo licenſed ſhall be qualified; but ſhall be void.

CLII. *Sect.* 9. If any perſon not authorized by law, retale any ſpirituous liquors, he ſhall not only be ſubject to the penalties now in being, for ſuch offence, but all the diſtilled ſpirituous liquors then, or at any time within ſix calendar months after conviction for ſuch offence, found in his cuſtody, or in the houſe, where ſuch offence was committed, or any place occupied therewith, whether then in the occupation of ſuch offender or not, ſhall be ſeized by warrant of the ſaid commiſſioners, or of any juſtice of peace, within their reſpective juriſdictions; and the ſame ſhall forthwith be ſtaved or deſtroyed; for which purpoſe, any peace or pariſh officer, authorized by ſuch warrant, ſhall have power, at any time within ſix months after conviction, to enter ſuch places, and break open doors, if not opened on demand; and if any perſon convicted of any ſuch offence, ſhall again offend in like manner, and be convicted, it ſhall be lawful for the commiſſioners or juſtices, before whom ſuch offender is convicted of ſuch ſubſequent offence, as well to inflict the penalties by any former law inflicted, as alſo to commit ſuch offender to the houſe of correction, to be kept to hard labour, for any time not exceeding three months, and (if they think fit) to order him to be whipt; and in caſe any perſon convicted of ſuch ſubſequent offence, ſhall offend again in like manner, ſuch farther offence ſhall be deemed felony; and the offender being indicted and convicted, ſhall ſuffer as in caſes of felony, and may by the juſtices of peace of the county or place where ſuch felony is committed, at their general or quarter-ſeſſions, be ordered to be tranſported to any of his Majeſty's plantations, for any time not exceeding ſeven years.

CLIII. *Sect.* 10. It ſhall be lawful for the commiſſioners of exciſe, and juſtices of peace, within their reſpective juriſdictions, or any one of ſuch juſtices, upon oath, of any offence againſt this act, or any other law for regulating the retaling of diſtilled ſpirituous liquors, to grant their warrant to any of the peace officers, or other pariſh officers, where ſuch offence is ſworn to be committed, to enter and ſearch the houſe and other places where ſuch offences are ſworn to be committed, or in the occupation of the perſon ſworn to be guilty thereof; and the perſon authorized by ſuch warrant, ſhall enter ſuch houſes, and other places, and break open the doors, in caſe they be not opened upon demand, and ſeize all ſuch diſtilled ſpirituous liquors as they find, and detain the ſame, until the matter of the ſaid offence is determined; and in caſe the offender be convicted, the liquors ſo found, ſhall be forthwith ſtaved and deſtroyed; and if ſuch perſon be not convicted, the ſame ſhall be reſtored.

CLIV. *Sect.* 11. If any perſon knowingly ſell or deliver, by his ſervants or others, directly or indirectly, any quantity of diſtilled ſpirituous liquors, to the end that the ſame may be unlawfully retaled, or to any unlicenſed retaler, he ſhall forfeit 10 *l.* and treble the value; one moiety to the King, and the other moiety to ſuch perſon as will

will ſue, in any court of record at *Weſtminſter*, or in the court of exchequer in *Scotland*, by action of debt, &c. wherein no eſſoin, &c. ſhall be allowed: and if any perſon guilty of retaling diſtilled ſpirituous liquors diſcover the perſon, who knowingly ſupplied him with ſuch liquors, and proſecute for the ſame, without fraud or wilful delay, until he be convicted, ſuch proſecutor ſhall not only be intitled to his ſhare of the penalty, but be indemnified againſt all penalties incurred by him before ſuch proſecution, for ſelling ſpirituous liquors without licence.

CLV. *Sect.* 12. No perſon ſhall be intitled unto, or maintain any action, or recover either in law or equity, any money, debt or demands, for ſpirituous liquors, unleſs ſuch debt has been *bona fide* contracted at one time, to the amount of 20*s.* or upwards; nor ſhall any particular article in any account, for diſtilled ſpirituous liquors be allowed, where the liquors delivered at one time, and mentioned in ſuch article, amount not to the value of 20*s.* at leaſt, and that without fraud, and where no part of the liquors ſo ſold or delivered have been returned, or agreed to be returned; and in caſe any retailer of ſpirituous liquors, with or without a licence, take any pledge for the payment of any money owing for ſuch ſpirituous liquors, he ſhall forfeit 40*s.* for every pledge ſo taken, to be levied by warrant of one juſtice of peace where the offence is committed; and one moiety ſhall be to the uſe of the poor of the pariſh where ſuch offence is committed, and the other moiety to the informer; and the perſon to whom ſuch pledge belongs ſhall have the ſame remedy for recovering it, or the value, as if it had never been pledged.

CLVI. *Sect.* 13. No licence ſhall be granted for the retaling of ſpirituous liquors within any priſon, houſe of correction, work-houſe, or houſe of entertainment for any pariſh poor, and all licences granted contrary to this proviſion ſhall be void; and if any gaoler, or officer of any priſon or houſe of correction, or any maſter or officer of any work-houſe, or houſe for the entertainment of any pariſh poor, ſhall ſell, uſe, lend, or give away, or knowingly ſuffer any ſpirituous liquors to be ſold, &c. in any ſuch priſons, or houſes of correction, or brought into the ſame; except ſuch ſpirituous liquors as ſhall be given by the direction of a phyſician, ſurgeon or apothecary, and to be applied in purſuance of ſuch preſcription, from the ſhop of ſome apothecary; every ſuch gaoler, &c. ſhall, for every ſuch offence, forfeit 100*l.* one moiety to his Majeſty, and the other moiety with coſts, to ſuch perſon as will ſue in any court of record at *Weſtminſter*, or in the court of exchequer in *Scotland*, by action of debt, &c. wherein no eſſoin, &c. ſhall be allowed; and in caſe any ſuch gaoler or other officer, being convicted, again offend and be a ſecond time convicted, ſuch ſecond offence ſhall be a forfeiture of his office.

CLVII. *Sect.* 14. It ſhall be lawful for any juſtice of peace, upon information upon oath, that any ſuch ſpirituous liquors are kept and diſpoſed of in any ſuch priſon, houſe of correction, work-houſe, or houſe of entertainment for pariſh poor, in *Great Britain*, to enter and ſearch, or to authorize any conſtable, or other peace officer of the pariſh where any ſuch places are, by warrant to enter and ſearch ſuch priſon, &c. and in caſe any ſuch ſpirituous liquors be found therein (except ſuch as are directed to be uſed medicinally) it ſhall be lawful for ſuch conſtable, or overſeer of the poor, to ſeize and cauſe the ſame to be ſtaved and deſtroyed.

CLVIII. *Sect.* 15. No perſon ſhall carry or bring, or attempt to bring, any diſtilled ſpirituous liquors (except to be uſed in the way of medicine) into any priſon, &c. and if any perſon offend therein, it ſhall be lawful for the gaoler, &c. or his ſervants, to apprehend ſuch perſon, and to carry him before a juſtice of peace of the county or liberty; and if by the oath of one witneſs or otherwiſe, the juſtice convict ſuch perſon, he ſhall commit ſuch offender to priſon, or to the houſe of correction, for any time not exceeding three months, unleſs ſuch offender immediately pay ſuch ſum not exceeding 20*l.* and not leſs than 10*l.* as the juſtice ſhall impoſe; to be paid, one moiety to the informer, and the other moiety to the uſe of the poor of ſuch priſon, houſe of correction, workhouſe, or houſe of entertainment for pariſh poor.

CLIX. *Sect.* 16. Every gaoler, &c. ſhall procure one or more copies of the three preceding clauſes, to be printed or written, and hung up in one of the moſt public places of his priſon, &c. and renew the ſame from time to time, ſo that it may be always kept legible; on pain of forfeiting 40*s.* for every wilful default, to be levied

by warrant of any juſtice of peace of the county or liberty, *&c.* to be granted on conviction of ſuch default, in a ſummary way, before ſuch juſtice, by the oath of one witneſs; and it ſhall be lawful for every juſtice of peace to enter into any priſon, *&c.* within the limits of his juriſdiction, and demand a ſight of ſuch copy ſo hung up; and if the ſame be not forthwith ſhewn him, fair and legible, he may immediately convict ſuch gaoler of ſuch default, and ſo from time to time, as often as he ſhall think fit; one moiety of the penalty to be paid to the informer, and the other moiety (or the whole if there be no informer) to the uſe of the poor of ſuch priſon, *&c.*

CLX. *Sect.* 17. Every juſtice of peace within the cities of *London* and *Weſtminſter*, and borough of *Southwark*, or within the limits of the head office of exciſe in *London*, ſhall once in every month tranſmit to the clerk of the peace for the county where he acts, a certificate of all perſons convicted before him, for offences againſt this or any former act relating to ſpirituous liquors, or for licenſing the retalers thereof; who is to enter the ſame among the records of the court of the quarter-ſeſſions; which certificate ſhall be evidence upon any information directed by this or any other act relating to ſpirituous liquors.

CLXI. *Sect.* 18. Every diſtiller or maker of low wines or ſpirits for ſale or exportation, ſhall, 10 days before he diſtils or makes any ſpirituous liquors, make a particular entry in writing, at the next office of exciſe, within the limits whereof his ſtill-houſe is, of every ſtill or veſſel which he uſes for making or keeping any worts, waſh, low-wines, ſpirits or ſtrong waters, and alſo of the veſſels which he uſes for the brewing or keeping of the after-runnings or feints from the ſecond extraction, (which laſt-mentioned veſſels ſhall not at any one time exceed two in number) and alſo of all new utenſils; on pain of forfeiting, for every veſſel made uſe of and not entered, 50*l.* and every ſuch diſtiller is to ſhew to the gauger or officer of exciſe, who ſurveys his ſtill-houſe, every ſuch ſtill or veſſel ſo entered, and the ſaid officer is to mark the ſame with a diſtinct and durable mark; and every ſtill and veſſel uſed without being ſo ſhewn or marked, ſhall be deemed a veſſel of which no entry has been made; and if any perſon deface any ſuch mark, he ſhall for every ſuch offence forfeit 20*l.*

CLXII. *Sect.* 19. It ſhall be lawful for any gauger or officer of exciſe, to take a ſample of ſuch low-wines or ſpirits, and of feints and ſpent waſh, paying for ſuch ſpirits or low-wines, after the rate of 10*s.* *per* gallon; and for the ſaid feints and ſpent waſh, after the rate of 1*s.* *per* gallon; and in caſe any ſuch diſtiller, or his ſervant, refuſe to permit ſuch gauger or officer to take ſamples, or any ways obſtruct him in taking ſamples, ſuch diſtiller ſhall for every ſuch offence forfeit 50*l.*

CLXIII. *Sect.* 20. Every diſtiller within the limits of the bills of mortality, ſhall 24 hours, and in other parts of *Great Britain*, 48 hours, before he receives any quantity of wine, cyder, ſugar, water, or any kind of fermented waſh, give notice to the gauger or officer who ſurveys his work-houſe, of the quantity of ſuch wine, *&c.* and ſpecies thereof, and of the time when he intends to receive the ſame, on pain of forfeiting for every offence 50*l.*

CLXIV. *Sect.* 21. There ſhall be a drawback of the duties charged by this act on ſuch ſpirits drawn from the materials aforeſaid in *Great Britain*, which ſhall be exported; and upon oath before any two commiſſionersof exciſe, or juſtices of peace for the county or place of exportation, that the duties are paid, and that the ſame are exported to be ſpent beyond the ſeas; and upon producing a certificate under the hands of the officers of exciſe for the port where ſuch ſpirits were ſhipped, of the quantities ſo ſhipped, and that the ſame were ſhipped in the preſence of ſuch officers, the exporter ſhall be allowed by the commiſſioners of exciſe, or their collector for the port where ſuch ſpirits be ſhipped, the duties charged by this act.

CLXV. *Sect.* 22. No common brewer of ale or beer, or innkeeper, diſtiller, or other dealer in ſpirituous liquors, or perſon intereſted in any of the ſaid trades, ſhall act as a juſtice of peace, in any matter concerning the execution of the powers given by any act relating to diſtillers or makers of low-wines or ſpirits for ſale, or to the duty impoſed upon low-wines or ſpirits, or to the granting licences to the retalers of ſpirituous liquors.

CLXVI. *Sect.*

CLXVI. *Sect.* 23. All the powers, rules, puniſhments and clauſes, provided by any act ſince the ſixth year of his preſent Majeſty's reign, relating to the ſelling ſpirituous liquors without licence (except the penalty of 100*l.* impoſed by 9 *Geo.* 2. *c.* 23.) may be exerciſed in regard to all perſons that offend againſt the ſaid acts of 16 *Geo.* 2. *cap.* 8. and 17 *Geo.* 2. *cap.* 17. or this act, as they might have been, in relation to perſons offending againſt any of the ſaid reſpective acts, made ſince the ſixth year of his preſent Majeſty's reign.

CLXVII. *Sect.* 24. The clauſe in the 9 *Geo.* 2. *cap.* 23. *ſect.* 14. reſtraining the clerks of juſtices of peace from receiving more than 2*s.* 6*d.* for each licence therein mentioned, is and ſhall remain in force.

CLXVIII. *Sect.* 25. All penalties and forfeitures by the ſaid 9 *Geo.* 2. *cap.* 23. *ſect.* 14. impoſed, ſhall be recovered by action of debt, *&c.* in any court of record at *Weſtminſter*, or by indictment at the aſſizes, or at the general or quarter-ſeſſions of the peace of the county or place where ſuch offence is committed, for the uſe of the perſon who ſues for the ſame; in which ſuits no eſſoin, *&c.* ſhall be allowed.

CLXIX. *Sect.* 26. Nothing in this act ſhall charge with any of the duties aforeſaid, any ſpirits diſtilled from malt, and retaled and conſumed in *Scotland*, and called *aqua vitæ*, or to ſubject the makers and retalers, within that part of the kingdom, to take ſuch licences as are herein directed.

CLXX. *Sect.* 27. The pariſh of ſaint *Mary le Bon* ſhall be under the care and management of the head office of exciſe in *London*.

CLXXI. *Sect.* 28. If any perſons, to the number of five, in a tumultuous and riotous manner aſſemble to reſcue any offenders againſt this or any other act, relating to ſpirituous liquors, or to aſſault, beat or wound any perſon, who has given, or is about to give any information againſt, or given evidence againſt, or ſhall ſeize, or bring to juſtice, any ſuch offenders, or forcibly to oppoſe the execution of any of the powers given by this act, all perſons ſo aſſembling, their aiders and abettors, being convicted, ſhall be guilty of felony; and the courts before whom they be convicted, ſhall have power of tranſporting ſuch felons for ſeven years, to any of his Majeſty's plantations in *America*, upon the like terms as are directed by 4 *Geo.* 1. *c.* 11. and 6 *Geo.* 1. *cap.* 23.

CLXXII. *Sect.* 29. All fines and forfeitures, impoſed by this or any other act relating to the duties of exciſe, ſhall be recovered or mitigated, as by any law of exciſe, (not otherwiſe directed by this act) or by action of debt, *&c.* in any court of record at *Weſtminſter*, or in the court of exchequer in *Scotland*; and one moiety ſhall be to his Majeſty, and the other moiety to him who ſhall inform or ſue.

CLXXIII. *Sect.* 30. If any perſon be ſued, for any thing done in purſuance of this act, ſuch action ſhall be commenced within three months next after the offence committed, and ſhall be laid in the proper county; and ſuch perſon may plead the general iſſue, and if the plaintiff be nonſuited, *&c.* the defendant ſhall have treble coſts.

CLXXIV. *Sect.* 31. All perſons ſued for any thing done in the execution of this act, ſhall be intitled to all the privileges and benefits provided by 11 *Geo.* 2. *cap.* 26.

CLXXV. *Sect.* 32. Where any perſon is convicted of unlawfully retaling diſtilled ſpirituous liquors, and the penalty hereby, or by any other act inflicted, is not paid, and cannot be levied in one month next enſuing the conviction, it ſhall be lawful for the commiſſioners of exciſe in *England* and *Scotland* reſpectively, to cauſe ſuch reward as they think fit, not exceeding 5*l.* each, to be paid to the ſeveral perſons who appear intitled thereto as informers, out of any monies in their hands ariſing by any penalties for the like offences.

CLXXVI. **Stat.** 26 *Geo.* 2. *cap.* 13. *ſect.* 9. The penalties of 10*l.* inflicted by 16 *Geo.* 2. *cap.* 8. on perſons retaling ſpirituous liquors without licence, and by 17 *Geo.* 2. *cap.* 17. on diſtillers, grocers or chandlers retaling ſuch liquors, ſhall not in ſuch caſe be mitigated below 5*l.* either by the commiſſioners of exciſe, or by the juſtices of peace, whether ſuch juſtices act within or without the limits of the head office of exciſe in *London*.

CLXXVII. *Sect.* 10. The commiſſioners of exciſe, and their officers within the limits of the head office of exciſe in *London*, may grant licences for the retaling of ſpirituous liquors, purſuant to 16 *Geo.* 2. *cap.* 8. and 24 *Geo.* 2, *cap.* 40. to any perſon within the

the limits of the ſaid head office of exciſe in *London*, who at the time of his application, in any place where the occupiers of houſes are not rated to the church and poor, keeps a tavern, victualling-houſe, inn, coffee-houſe or ale-houſe, for which he *bona fide* pays the yearly rent of 12 *l.* or upwards, although he be not rated, and do not pay to the church and poor.

CLXXVIII. *Sect.* 11. Every perſon licenſed for retaling ſpirituous liquors, purſuant to this act, ſhall be ſubject to all other proviſions of the laws now in force, relating to the retaling of ſpirituous liquors, or to the licenſing retalers.

CLXXIX. *Sect.* 12. No juſtice of peace, being a common brewer of ale or beer, innkeeper or diſtiller, or dealer in ale or ſpirituous liquors, or intereſted in any of the ſaid trades, or a victualler or malſter, ſhall be capable to grant any licence for ſelling ale, beer, or any other liquors by retale; and in caſe any ſuch juſtice grant any ſuch licence, the ſame ſhall be void.

CLXXX. **Stat.** 27 *Geo.* 2. *cap.* 11. *ſect.* 3. It was the intent of the 9 *Geo.* 2. *cap.* 23. to continue the duty of 20 *s.* for every ton of brandy, wines, and ſtrong waters, imported [*granted by* 18 Car. 2. cap. 5. **Wines.** and 4 Geo. 2. cap. 12. *expired.*] as part of the aggregate fund, for ſuch term for which any of the duties and revenues, compoſing the ſaid aggregate fund were granted, notwithſtanding the expiration of the term for which the ſaid duty was granted, by 4 *Geo.* 2. *cap.* 12.

CLXXXI. **Stat.** 31 *Geo.* 2. *cap.* 36. *ſect.* 5. The proprietor or importer of foreign liquors, liable to the duties of exciſe, within 30 days after the maſter or purſer of the ſhip has or ought to have made entry or report upon oath, of the burthen, contents, and loading of ſuch ſhip, in purſuance of 13 & 14 *Car.* 2. *cap.* 11. ſhall make due entry with the officer or collector appointed for the exciſe, in the port where ſuch foreign exciſeable liquors are imported, of all ſuch foreign exciſeable liquors on board ſuch ſhip, belonging to ſuch proprietor or importer, and ſhall then, or before, pay the duties of exciſe due for the ſaid foreign exciſeable liquors, and land the ſame; on pain to forfeit for every neglect, all ſuch foreign exciſeable liquors, with the caſks, which may be ſeized by any officer of exciſe.

CLXXXII. *Sect.* 6. So long as the 15 & 16 *Geo.* 2. *cap.* 25. ſhall be in force, nothing in the clauſe laſt-mentioned ſhall prevent the proprietor or importer of any rum or ſpirits, of the produce of the *Britiſh* ſugar plantations, imported into *Great Britain*, directly from the ſaid ſugar plantations (entry being firſt made within the ſaid 30 days, as directed by the clauſe laſt-mentioned) from forthwith landing ſuch rum, *&c.* and putting the ſame into ſuch warehouſes, and giving ſecurity for the duties, in purſuance of 15 & 16 *Geo.* 2. *cap.* 25. if he ſhall chuſe ſo to do, within the ſaid term of 30 days.

CLXXXIII. *Sect.* 7. In all entries or reports of any foreign liquors, liable to the duties of exciſe, made by the maſter or purſer of any ſhip, in purſuance of 13 & 14 *Car.* 2. *cap.* 11. the number of caſks or other package, with the numbers and marks of each, and the kind of liquors in each, on board of each ſhip ſhall be inſerted; on pain for every neglect to forfeit ſuch liquor, with the caſk or package, which may be ſeized by any officer of exciſe; and all ſeizures in purſuance of this act, ſhall (charges for recovery being deducted) be employed, one moiety to the uſe of his Majeſty, and the other moiety to the ſeizor or proſecutor.

CLXXXIV. *Sect.* 8. To enable the gaugers or officers of exciſe, to aſcertain the proof of all foreign imported liquors, liable to the exciſe, it ſhall be lawful for the gaugers or officers of exciſe, at any time to take a ſample or ſamples (not exceeding one quart in the whole) out of each of the caſks containing ſuch foreign ſpirituous liquors, paying for ſuch ſamples after the rate of 16 *s.* *per* gallon.

CLXXXV. **Stat.** 32 *Geo.* 2. *cap.* 29. *ſect.* 1. It ſhall be lawful for the gaugers or other officers of exciſe, at any time before the gauging, to take a ſample not exceeding half a pint, out of each caſk or other package, containing foreign ſpirituous liquors, liable to the duties of exciſe, without paying for the ſame; and it ſhall be lawful for the importers or proprietors of ſuch foreign ſpirituous liquors, or their agents, to take, in the preſence of one of the gaugers or other officers of exciſe, a ſample not exceeding

half a pint out of every caſk, whilſt the ſame ſhall be on ſhipboard, and to land ſuch ſample without paying any duty for the ſame.

CLXXXVI. *Sect.* 2. Still it ſhall be lawful for the ſaid officers of exciſe to take the like ſamples, not exceeding half a pint, out of each caſk containing ſuch ſpirituous liquors, in any ſhop or other place belonging to any dealer, paying for ſuch ſample, (if demanded) according to the market price.

CLXXXVII. **Stat.** 33 *Geo.* 2. *cap.* 9. *ſect.* 1. There ſhall be paid unto his Majeſty throughout *Great Britain*, for the ſpirituous liquors after-mentioned (over and above all duties by former acts) the additional duties of exciſe after-mentioned, *viz.*

For every gallon of low-wines or ſpirits of the firſt extraction, drawn from any drink made from malt or corn, or from brewers waſh or tilts, or any mixture with ſuch brewers waſh, to be paid by the diſtillers, 5 *d.*

For every gallon of ſtrong waters, or *Aqua vitæ*, made for ſale of the materials aforeſaid, or any of them, to be paid by the diſtillers, 1 *s.* 3 *d.*

For every gallon of low-wines, drawn from any foreign materials, or any mixture therewith, to be paid by the diſtillers, 1 *s.* 3 *d.*

For every gallon of ſpirits drawn from any foreign materials, or any mixture therewith, to be paid by the diſtillers, 8 *d.*

For every gallon of low-wines drawn from cyder, or any kind of *Britiſh* materials, except thoſe before-mentioned, or any mixture therewith, to be paid by the diſtillers, 6 *d.* $\frac{3}{4}$.

For every gallon of ſpirits made for ſale from cyder, or any kind of *Britiſh* materials, except thoſe before-mentioned, to be paid by the diſtillers, 1 *s.* 1 *d.* $\frac{1}{4}$.

For every gallon of ſingle brandy ſpirits, or *Aqua vitæ*, imported, to be paid by the importer before landing, 1 *s.*

For every gallon of brandy ſpirits, or *Aqua vitæ*, above proof, called *double brandy*, imported, to be paid by the importer before landing, 2 *s.*

CLXXXVIII. *Sect.* 2. Such of the ſaid duties as are charged upon ſpirituous liquors made in, or imported into *England*, *Wales*, or *Berwick*, ſhall be under the management of the commiſſioners of exciſe in *England*; and ſuch as are impoſed upon ſpirituous liquors made in, or imported into *Scotland*, ſhall be under the management of the commiſſioners of exciſe in *Scotland*; and the ſaid reſpective commiſſioners of exciſe, or major part of them, have power, by commiſſion under their hands and ſeals, to appoint neceſſary officers: and all monies ariſing by the ſaid duties in *Great Britain*, (the charges of raiſing and accounting excepted) ſhall be paid into the receipt of exchequer at *Weſtminſter*, apart from all other public revenues, and ſhall ſtand appropriated to the ſame uſes as the preſent duties on ſpirituous liquors.

CLXXXIX. *Sect.* 3. The additional duty hereby charged upon rum or ſpirits of the growth or manufacture of the *Britiſh* ſugar plantations, imported into this kingdom, ſhall be paid in ſuch manner only as the duties of exciſe heretofore charged on ſuch ſpirits.

CXC. *Sect.* 4. The prohibition by 30 *Geo.* 2. *cap.* 10. and 32 *Geo.* 2. *cap.* 2. of diſtilling ſpirits from wheat, or any ſort of grain, ſo far as the ſame might extend to the making of low wines and ſpirits from the materials aforeſaid, ſhall ceaſe.

CXCI. *Sect.* 5. If at any time during the receſs of parliament, the price of wheat ſhall exceed 48 *s.* the quarter *Wincheſter* meaſure, for two ſucceſſive market days, in the port of *London*, and it ſhall appear expedient to his Majeſty, to prohibit the making of ſpirits from wheat, barley, malt, and any other grain, and from meal, flour, and bran, or any mixture therewith, it ſhall be lawful for his Majeſty, by proclamation iſſued, with the advice of his privy council, or by order in council, publiſhed in the *London Gazette*, from time to time to prohibit the diſtilling ſpirits from wheat, barley, malt, and any other grain, and from meal, flour, and bran, or any mixture therewith, for any time during ſuch receſs, or until 20 days after the commencement of the then next ſeſſion of parliament.

CXCII. *Sect.* 6. Whereas the oath appointed by 6 *Geo.* 2. *cap.* 17. Par. LXVI. to be taken by the exporters of ſpirits drawn from corn in *Great Britain*, has prevented the

exportation of ſuch ſpirits after they have been rectified; upon the exportation of ſuch rectified ſpirits, inſtead of the oath aforeſaid, to intitle the exporter to the drawback, oath ſhall be made that the ſame were drawn in *Great Britain* from corn, without any mixture with any other materials, native or foreign, except what has been neceſſary for the rectifying; and that the duties of the ſaid ſpirits have been paid, and that the ſaid ſpirits are to be exported as merchandize to be ſpent beyond the ſeas.

CXCIII. *Sect.* 7. There ſhall be an additional drawback of 24*l.* 10*s.* for every ton of ſuch ſpirits made in *Great Britain*, from the materials aforeſaid, which ſhall be exported; and upon oath made before any two commiſſioners of exciſe, or juſtices of peace for the place from whence ſuch ſpirits are to be exported, that the duties are paid, and that the ſame are to be exported for merchandize to be ſpent beyond the ſeas, and upon producing a certificate under the hands of the officers of exciſe for the port where ſuch ſpirits are ſhipped, of the quantities ſhipped, and that the ſame were proof ſpirits, and ſhipped in the preſence of ſuch officers, the diſtiller or exporter ſhall be allowed by the commiſſioners of exciſe, or their collector for the port where ſuch ſpirits are ſhipped, the ſaid additional drawback of 24*l.* 10*s.* for every ton of ſuch ſpirits ſo ſhipped, and in proportion for any greater or leſs quantity: and the ſame drawbacks which are given by this or any former act now in force on the exportation of *Britiſh* made ſpirits as merchandize, ſhall be paid to the diſtiller or merchant, on his ſhipping ſuch ſpirits as ſtores to be ſpent on board in any voyage beyond the ſeas; and when any diſtiller or merchant is deſirous of ſhipping ſuch ſpirits as ſtores, and ſhall give five days notice to the commiſſioners of exciſe, or ſuch perſon as they appoint, mentioning the deſtination of the voyage, the tonnage of the ſhip, and the number of mariners employed in navigating the ſame, it ſhall be lawful for the commiſſioners of exciſe, or the perſon ſo appointed by them, to aſcertain the quantity of ſuch ſpirits ſhipped on board ſuch ſhip as ſtores, and for which ſuch drawbacks are paid, and alſo the ſize and marks of the caſks; and on oath before any one commiſſioner of exciſe, or juſtice of the peace for the place from whence ſuch ſpirits are to be exported, or before ſuch perſon authorized by the commiſſioners of exciſe, that the duties of the ſame are paid, and that the ſame are to be ſhipped as ſtores to be ſpent in the voyage, and upon producing a certificate under the hands of the officers of exciſe for the port where ſuch ſpirits were ſhipped, of the quantity ſhipped, and that the ſame were proof ſpirits, and ſhipped in the preſence of ſuch officers; the diſtiller or merchant ſhall be allowed by the commiſſioners of exciſe, or their collector for the port, the ſaid drawbacks. *See* 2 Geo. 3. cap. 5.

CXCIV. *Sect.* 8. Neither the ſaid drawback, or any other drawback or bounty, ſhall be paid for any quantity of ſuch ſpirits exported as merchandize in any caſk which contains leſs than 100 gallons; nor ſhall any ſuch drawback be paid for any quantity of ſpirits exported as merchandize or ſhipped for ſtores, on board any veſſel of leſs burden than 100 tons.

CXCV. *Sect.* 9. In caſe any ſuch ſpirits be entered for exportation to *Ireland*, or his Majeſty's plantations in *America*, the exporter, to intitle him to the drawback given by this act, or any other drawback or bounty, ſhall, before the ſhipping of the ſpirits and the granting ſuch certificate, give bond with ſecurity to his Majeſty, to be approved of by the commiſſioners of exciſe or three of them, or by ſuch perſon as they appoint, in double the value of the goods, drawback and bounty, that the ſame, and every part thereof, ſhall (the danger of the ſeas and enemies excepted) be truly exported to and landed in ſuch port of *Ireland*, or ſuch place in his Majeſty's plantations in *America*, for which the ſame was ſo entered for exportation, and that the ſame ſhall not be carried to any other place, nor relanded in *Great Britain*, or the iſlands of *Guernſey*, *Jerſey*, *Alderney*, *Sark* or *Man*; and ſuch bonds ſhall not be diſcharged until a certificate be produced under the hand and ſeal of the collector, comptroller or ſurveyor of the cuſtoms, or other chief officer of the port in *Ireland*, or the plantations in *America*, where ſuch ſpirits are landed, teſtifying the landing, and deſcribing the number of caſks and the marks, and the quantity of ſpirits landed, and alſo teſtifying that the maſter or perſon having charge of the ſhip during the voyage had made oath before him, that the ſaid ſpirits, and every part thereof, were fairly landed there, and that at the time of landing they were of the ſame quality as when ſhipped,

ped, and that no part of ſuch ſpirits had been wilfully or fraudulently diminiſhed, relanded or unſhipped, ſince the exportation, and until oath be made before the commiſſioners of exciſe in *Great Britain*, or one of them, or ſuch perſon as they appoint, by the exporter (if living) that to the beſt of his knowledge or belief, the ſaid ſpirits had been diſpoſed of at the place mentioned in the oath referred to in the certificate: and the condition of all ſuch bonds for the exportation of ſuch ſpirits to *Ireland*, ſhall be to produce ſuch certificate in ſix months from the date (the danger of the ſeas and enemies excepted); and the condition of all ſuch bonds for the exportation of ſuch ſpirits to the plantations in *America*, ſhall be, to produce ſuch certificate in 18 months from the date (the danger of the ſeas and enemies excepted); and in caſe any ſuch ſpirits be entered for exportation to any other parts in *Europe*, then the exporter ſhall, before the ſhipping of ſuch ſpirits and granting ſuch certificate, give bond with ſecurity to his Majeſty to be approved of as aforeſaid, in double the value of the goods, drawback and bounty, that the ſame and every part thereof, ſhall (the danger of the ſeas and enemies excepted) be truly exported to and landed in ſuch place for which the ſame was ſo entered for exportation, and that the ſame ſhall not be carried to any other place, or relanded in *Great Britain*, or the iſlands of *Guernſey*, &c. and ſuch bonds ſhall not be diſcharged until a like certificate be produced under the hand and ſeal of the *Britiſh* conſul, or perſon acting as ſuch, in the place where ſuch goods are entered for and landed, and the like oath made by the merchant exporter (if living); and the condition of ſuch laſt-mentioned bonds ſhall be, to produce ſuch certificate in 15 months from the date (the danger of the ſeas and enemies excepted); and in caſe any ſuch ſpirits be entered for exportation to any parts in *Africa*, then the exporter ſhall before the ſhipping of ſuch ſpirits, and the granting ſuch certificate, give bond with ſecurity to his Majeſty, to be approved of as aforeſaid, in double the value of the goods, drawback and bounty, that the ſame and every part thereof, ſhall (the danger of the ſeas and enemies excepted) be truly exported to, and landed in ſuch place for which the ſame was ſo entered for exportation, and that the ſame ſhall not be carried to any other place, or relanded in *Great Britain*, or the iſlands of *Guernſey*, &c. and ſuch bonds ſhall not be diſcharged, until proof is made by the oath of the maſter or perſon having charge of the ſhip during the voyage, that the ſaid ſpirits and every part thereof were fairly landed or diſpoſed of in ſome part of the coaſt of *Africa*, and that at the time of being ſo landed or diſpoſed of they were of the ſame quality as when ſhipped, and that no part of ſuch ſpirits had been wilfully or fraudulently diminiſhed or relanded in *Great Britain* or the iſlands of *Guernſey*, &c. and by the oath of the merchant exporter (if living) that, to the beſt of his knowledge and belief, the ſaid ſpirits had been diſpoſed of at the place mentioned in the oath made by the maſter; which proof ſhall be made within 18 months from the date of each bond: and in caſe no ſuch certificates be produced, or proof made within the times before-mentioned, it ſhall be lawful for the commiſſioners of exciſe to cauſe ſuch bonds to be put in ſuit, unleſs they find cauſe to forbear the ſame.

CXCVI. *Sect.* 10. In caſe any ſuch ſpirits entered as merchandize for exportation be not really ſhipped and exported (the danger of the ſeas and enemies excepted) or in caſe any ſuch ſpirits entered as merchandize for exportation, or ſhipped for ſtores, be landed again in *Great Britain*, or the iſlands of *Guernſey*, *Jerſey*, *Alderney*, *Sark* or *Man*, unleſs in caſe of diſtreſs to ſave the goods from periſhing (which ſhall be preſently made known to the officers of exciſe, and the principal officers of the cuſtoms in the port) not only all ſuch ſpirits and the caſks ſhall be forfeited, but alſo the perſon who brings or cauſes to be relanded ſuch ſpirits into *Great Britain* or the iſlands of *Guernſey*, &c. or aſſiſts in the unſhipping, or to whoſe hands the ſame knowingly come, or by whoſe privity or direction the ſaid ſpirits are ſo relanded, ſhall forfeit double the amount of the drawback and bounty for ſuch ſpirits, and the caſks and package, together with the veſſels and boats, and all the horſes or other cattle and carriages made uſe of in the landing or conveyance of the ſame, which may be ſeized by any officer of the cuſtoms or exciſe; and if any maſter, or other perſon belonging to any ſhip, aſſiſt in or connive at the fraudulent landing any ſuch ſpirits, he (over and above all other penalties) ſhall ſuffer impriſonment for ſix months; and in caſe the package be altered after the ſhipping, and before the arrival of the ſhip at the port of diſcharge, the maſter or perſon taking charge of ſuch ſhip ſhall forfeit 100 *l.*

CXCVII. *Sect.*

CXCVII. *Sect.* 11. All ſuch ſpirits ſo to be exported ſhall be proof ſpirits; and that the ſame may be examined and the caſks marked, when any perſon is deſirous of ſhipping any ſuch ſpirits, they are to give notice in writing to the officer of exciſe of the place, five days next before ſuch ſpirits be put on ſhip-board, in which notice ſhall be expreſſed the number of caſks and the quantity of ſpirits intended to be ſhipped; and it ſhall be lawful for the gaugers or other officers of exciſe, to mark all ſuch caſks as the commiſſioners of exciſe ſhall direct, before ſuch ſpirits are ſhipped: and before the ſhipping as well as when on ſhip-board, to take a ſample not exceeding one pint in the whole out of each caſk, paying for ſuch ſample (if demanded) according to the market price; and in caſe any perſon put on ſhip-board any ſuch ſpirits for exportation as merchandize or as ſtores, without having given ſuch notice, or obſtruct the gaugers or other officers of exciſe in the marking ſuch caſks, or in taking ſuch ſamples, he ſhall forfeit 100 *l.* and if the ſpirits ſo intended for exportation as merchandize after the ſhipping, be altered in quality or quantity, after any officer of exciſe has examined them, the ſaid ſpirits and the caſks ſhall be forfeited, and the perſon who altered ſuch ſpirits, or cauſed them to be altered, ſhall forfeit 100 *l.* for every ſuch offence, and no drawback or bounty ſhall be allowed.

CXCVIII. *Sect.* 12. If any perſon knowingly grant any falſe certificate, or counterfeit, eraſe or alter any oath or certificate made purſuant to this act, or knowingly publiſh or make uſe thereof, ſuch perſon ſhall forfeit 500 *l.* which forfeiture may be proſecuted in any court of record at *Weſtminſter*, or in the court of exchequer in *Scotland*; one moiety to the uſe of his Majeſty, and the other moiety to him who will ſue; and ſuch oath or certificate ſo falſified ſhall be of no effect.

CXCIX. *Sect.* 13. Every perſon making or keeping any waſh, cyder or other materials fit for diſtillation, and having in his poſſeſſion any ſtill or ſtills, containing ſeparately or together 10 gallons or upwards, proof being made thereof by the oath of one witneſs before any one commiſſioner of exciſe or juſtice of peace, ſhall be deemed a common diſtiller for ſale, and ſhall be liable to the ſeveral duties of exciſe, and be ſubject to the ſurvey of the officers of exciſe, and to the ſeveral penalties and forfeitures impoſed by this or any former act relating to diſtillers.

CC. *Sect.* 14. No diſtiller or maker of low-wines, ſpirits, *Aqua vitæ* or ſtrong waters, ſhall begin to charge his ſtill with waſh, ſpirits or other materials, without firſt giving to the proper officer of the place ſix hours notice at leaſt, unleſs at ſuch times as are herein after-mentioned, *viz.* from the 29th of *September* to the 25th of *March*, between the hours of five in the morning and eight in the evening; and from the 25th of *March* to the 29th of *September*, between the hours of three in the morning and nine in the evening; and in caſe ſuch diſtiller ſhall not begin to charge his ſtill at the time mentioned in ſuch notice, or within one hour after, ſuch notice ſhall be void, and the diſtiller ſhall be obliged to give another like notice in writing before he begins to charge his ſtill; and if any diſtiller begin to charge his ſtill, except within the reſpective times aforeſaid, without having firſt given ſuch notice, he ſhall for every ſuch offence forfeit 100 *l.*

CCI. *Sect.* 15. If any diſtiller, in preparing his griſt for waſh in order for diſtillation, uſe more wheat than in the proportion of one quarter of wheat to two quarters of any other grain, every ſuch diſtiller ſhall for every ſuch offence forfeit 50 *l.*

See Sect. 16, in **Exciſe.**

CCII. *Sect.* 17. If any perſon practiſing the trade of diſtilling low-wines or ſpirits from corn or grain, or any mixture therewith, or having any intereſt in any ſuch trade by himſelf or any other perſon, or for his benefit, rectify, compound or make any ſpirits into the liquor called *Gin*, or into brandy or any other compound ſpirituous liquors, he ſhall for every ſuch offence forfeit 100 *l.* and the heirs, executors, adminiſtrators or aſſigns of any perſon, who after the 21st of *April* 1760 is guilty of the offence aforeſaid, ſhall not maintain any ſuit for recovery, either in law or equity, of any demand on account of any intereſt in any ſpirits diſtilled from corn or grain, or any rectified or compounded ſpirituous liquors. *Repealed by* 2 Geo. 3, cap. 5.

CCIII. *Sect.* 18. All the powers, directions, penalties, matters and things, which by 12 *Car.* 2. *cap.* 24. or by any other law now in force relating to the exciſe upon liquors, are provided for collecting, mitigating or aſcertaining the duties or penalties, and for preventing and puniſhing frauds (not otherwiſe altered by this act) ſhall be put in execution for the duties and penalties hereby granted.

CCIV. *Sect.* 19. All penalties and forfeitures impoſed by this act, not otherwiſe directed, ſhall be recovered or mitigated, as by any laws of exciſe, or by action of debt, *&c.* in any court of record at *Weſtminſter*, or in the court of exchequer in *Scotland*; and one moiety ſhall be to his Majeſty, and the other moiety to him who ſhall inform or ſue.

CCV. *Sect.* 20. If any perſon be ſued for any thing done by virtue of this act, he may plead the general iſſue, and if a verdict paſs for the defendant, *&c.* ſuch defendant ſhall have treble coſts.

Additional duties are laid on ſpirituous liquors made for home conſumption, or imported, not being the produce of the Britiſh *colonies, by* 2 Geo. 3. cap. 5. *And all drawbacks on exportation are to ceaſe after* 21 Jan. 1762. *And low-wines or ſpirits made for exportation are exempted from the exciſe.*

CCVI. **Stat.** 33 *Geo.* 2. *cap.* 28. *ſect.* 1. Upon the exportation of rum or ſpirits of the growth and manufacture of the *Britiſh* ſugar plantations in *America* from this kingdom as merchandize, there ſhall be, inſtead of all former drawbacks out of the duties of cuſtom, a drawback of all the duties of cuſtom payable upon importation, which drawback ſhall be made under ſuch rules and penalties as any drawback payable out of the cuſtoms upon exportation of ſuch rum before this act.

CCVII. *Sect.* 2. All rum and ſpirits of the growth and manufacture of the *Britiſh* ſugar plantations in *America*, which ſhall, before payment of the duties of exciſe charged upon importation, be exported as merchandize, under the regulations herein after eſtabliſhed, from any warehouſe in which ſuch rum, *&c.* is lodged, in purſuance of 15 *&* 16 *Geo.* 2. *cap.* 25. ſhall be diſcharged from all duties of exciſe.

CCVIII. *Sect.* 3. Before any ſuch rum, *&c.* ſhall be delivered out of any warehouſe for exportation, the perſon intending to export ſhall give bond with ſecurity to his Majeſty, to be approved of by the reſpective commiſſioners of exciſe in *England* and *Scotland*, or three of them, or by ſuch perſons as they appoint, in double the value of the goods and the exciſe, that ſuch rum, *&c.* ſhall (the dangers of the ſeas and enemies excepted) be exported as merchandize to and landed in ſuch ports beyond the ſeas, as are ſpecified in ſuch bonds, and ſhall not be carried to any other place, nor relanded in any part of *Great Britain*, or the iſlands of *Guernſey*, *Jerſey*, *Alderney*, *Sark* or *Man*.

CCIX. *Sect.* 4. The rum and ſpirits lodged in ſuch warehouſes, may be delivered out for exportation; and upon the exporter, or ſome perſon on his behalf, producing to the keeper of ſuch warehouſe, and to the officer appointed by the commiſſioners of exciſe to attend the ſame, a certificate from the reſpective commiſſioners of exciſe or one of them, or ſuch perſon as they appoint to take ſuch bond and ſecurity, certifying that ſuch bond and ſecurity hath been given, the keeper of ſuch warehouſe and officer of exciſe attending the ſame, ſhall deliver ſo much rum, *&c.* as ſhall be mentioned in ſuch certificate, to be exported; and ſuch keeper of ſuch warehouſe and officer of exciſe ſhall give to ſuch exporter, or the perſon employed to take care of the delivery of ſuch rum, *&c.* a certificate, ſpecifying the quantity ſo delivered, the contents and marks of the caſk, the quantity contained in ſuch caſk on the landing, the names of the proprietors or importers, and alſo certifying that the ſame are delivered out for exportation, and the day and particular time when, and to whom ſuch delivery was made; which certificate ſhall be ſigned by ſuch officer of exciſe, and ſhall be produced to the officer of exciſe attending the ſhipping of ſuch rum, *&c.* And the keeper of ſuch warehouſe, and the officer appointed to attend the ſame, ſhall make ſuch entries of the delivery of ſuch rum, *&c.* as by the ſaid former act is directed, with reſpect to the rum, *&c.* delivered upon the payment of the duties: and no ſuch warehouſe-keeper or other perſon ſhall be ſubject to any penalty for making ſuch delivery.

CCX. *Sect.* 5: Upon oath before two commiſſioners of exciſe, or two juſtices of peace for the county or place from whence ſuch rum, *&c.* is to be exported, that the ſame is to be exported for merchandize to be ſpent beyond the ſeas; and upon producing to the commiſſioners of exciſe or their officer having cuſtody of the bonds given in purſuance of the former act for ſecuring the exciſe, a certificate under the hand of the proper officer of exciſe for the port where ſuch rum was ſhipped, of the quantities ſo ſhipped, and that the ſame were proof ſpirits, and ſhipped in the preſence of ſuch officer, and that the ſame were accompanied with ſuch certificate of the delivery from ſuch warehouſe as aforeſaid; and alſo upon delivery of ſuch laſt-mentioned certificate, ſuch commiſſioners or perſon having cuſtody of ſuch bonds, in caſe the whole quantity of rum mentioned therein, be certified to be delivered and ſhipped, ſhall deliver up ſuch bonds to the perſon producing ſuch certificates; or in caſe only a part of the rum mentioned in ſuch bond be certified to be delivered and ſhipped, the ſaid commiſſioners or perſon ſhall indorſe on ſuch bonds the quantity ſo delivered and ſhipped; and if at any future time before the expiration of the term ſtipulated in ſuch bonds for the payment of ſuch duties, the remaining part of the rum mentioned therein, be certified to be delivered and ſhipped as merchandize for exportation, then ſuch bonds ſhall be delivered up to the perſon producing ſuch certificates, and the proprietors and importers ſhall be diſcharged from the payment of all duties for the importation.

CCXI. *Sect.* 6. The ſaid drawback ſhall not be allowed, nor ſhall the ſaid bonds for ſecuring the exciſe be delivered up, or ſuch indorſement made thereon, or the proprietors or importers be diſcharged from the payment of ſuch exciſe, for any rum exported in any caſk which contains leſs than 100 gallons, or ſhipped on board any veſſel of leſs burthen than 100 tons, or exported from any port not being the port of importation.

CCXII. *Sect.* 7. The quantity of rum, *&c.* ſo to be delivered out of ſuch warehouſe, and to be exported, ſhall be computed according to the gauge taken at the time of landing, upon importation.

CCXIII. *Sect.* 8. If any rum, *&c.* after delivery from ſuch warehouſe for exportation, before the ſhipping, be lodged in any place ſo as to be concealed from public view; or be not ſhipped within 12 hours after the delivery; or if the caſk or package be wilfully opened, or any part taken thereout, or if the quality of ſuch rum, *&c.* be changed; in every ſuch caſe, all ſuch rum, *&c.* and the caſks ſhall be forfeited, and may be ſeized by any officer of exciſe: and the perſon who gave bond for the exportation, ſhall upon proof of ſuch offence be ſubject to the penalty of ſuch bond, and the ſame ſhall be put in ſuit; unleſs the commiſſioners of exciſe, by whoſe authority ſuch bond was taken, find cauſe to forbear the ſame.

CCXIV. *Sect.* 9. The bonds to be given by virtue of this act for the exportation of ſuch rum, *&c.* as merchandize, ſhall not be diſcharged until certificates be produced of the exportation to, and landing and diſpoſal of ſuch rum, *&c.* at the ports mentioned in ſuch bonds; and proof made, upon oath, in manner directed by 33 *Geo.* 2. *cap.* 9. and the condition of all the bonds taken by this act ſhall be to produce ſuch certificates within ſuch times reſpectively, as are limited by the ſaid act for producing the certificates therein required: and all perſons authorized by the ſaid laſt-mentioned act to adminiſter oaths, are authorized to adminiſter the like oaths in purſuance of this act: and in caſe no ſuch certificates be produced, or proof made within the times therein limited, it ſhall be lawful for the commiſſioners of exciſe to cauſe the bonds taken by this act to be put in ſuit, unleſs they find cauſe to forbear the ſame.

CCXV. *Sect.* 10. In caſe any ſuch rum, *&c.* entered as merchandize for exportation, be not *bona fide* ſhipped and exported (the danger of the ſeas and enemies excepted) or be landed again in *Great Britain*, or the iſlands of *Guernſey*, &c. unleſs in caſe of diſtreſs to ſave the goods from periſhing, which ſhall be preſently made known to the officer of exciſe, and the principal officers of the cuſtoms in the port) not only all ſuch rum, *&c.* and the caſks ſhall be forfeited, but alſo the perſons who bring or procure to be relanded, ſuch rum, *&c.* or any part thereof, or aſſiſt in the unſhipping the ſame, or to whoſe hands the ſame knowingly comes after unſhipping, or by whoſe privity or direction the ſaid rum, *&c.* is ſo relanded, ſhall forfeit double the amount of the duties charged upon the importation, and the caſks, together with the boats and all the cattle and carriages uſed in the landing or conveyance of the ſame; which may be ſeiz-

ed by any officer of the cuſtoms or exciſe: and if any maſter or perſon belonging to any ſhip, aſſiſt in, or connive at, the fraudulent landing any ſuch rum, *&c.* (over and above all other penalties) he ſhall, for every ſuch offence, ſuffer impriſonment for ſix months; and in caſe the package of ſuch rum, *&c.* ſo entered for exportation, be altered after the ſhipping, and before the arrival at the port of diſcharge, the maſter or perſon taking charge of ſuch ſhip ſhall forfeit 100 *l.*

CCXVI. *Sect.* 11. All ſuch rum ſo to be exported ſhall be proof ſpirits; and when any perſon is deſirous of ſhipping any quantity, they are to give notice in writing to the officer of exciſe, of the diviſion where ſuch rum, *&c.* is to be ſhipped, five days next before it is put on ſhipboard; in which notice ſhall be expreſſed the number of caſks, and the quantity of rum, *&c.* intended to be ſhipped: and it ſhall be lawful for the gaugers, or other officers of exciſe, before the delivery from ſuch warehouſes, and at any time afterwards, to mark every ſuch caſks, or other package, as the commiſſioners of exciſe ſhall direct, and to take ſamples (not exceeding one pint in the whole) out of each caſk, paying for ſuch ſamples (if demanded) according to the market price. And in caſe any perſon put on ſhipboard any ſuch rum, *&c.* for exportation, as merchandize, without having given ſuch notice, or obſtruct the gaugers or other officers of exciſe in the marking ſuch caſks, or in taking ſuch ſamples, he ſhall forfeit 100 *l.* and if the rum, *&c.* ſo intended for exportation as merchandize, after the ſhipping, be altered in quality or quantity, after any officer of exciſe has examined the ſame, the ſaid rum, *&c.* and the caſks ſhall be forfeited, and the perſon who ſo altered or cauſed the ſame to be altered, ſhall forfeit 100 *l.* and no drawback of the duties ſhall be made for the ſame.

CCXVII. *Sect.* 12. If any perſon knowingly grant any falſe certificate, or counterfeit or alter any oath or certificate made purſuant to this act, or knowingly publiſh or make uſe thereof, ſuch perſon ſhall forfeit 500 *l.* which forfeiture ſhall be proſecuted in any court of record at *Weſtminſter*, or in the court of exchequer in *Scotland*; one moiety to the uſe of his Majeſty, and the other moiety to him who will ſue; wherein no eſſoin, *&c.* ſhall be allowed; and ſuch oath or certificate ſo falſified, counterfeited or altered, ſhall be of no effect.

CCXVIII. *Sect.* 13. There ſhall be an additional drawback of 3 *l.* 3 *s.* for every ton of ſpirits made in *Great Britain* from melaſſes which ſhall be exported for merchandize; and upon oath before two commiſſioners of exciſe, or juſtices of peace for the county or place from whence ſuch ſpirits are to be exported, that the ſame were made in *Great Britain* from melaſſes without any mixture with any other materials, native or foreign; or in caſe ſuch ſpirits be rectified ſpirits, then, upon oath, that the ſame were made in *Great Britain* from melaſſes, without any mixture with any other materials, native or foreign, except what has been neceſſary for the rectifying; and on oath, that the duties are paid, and that the ſame are to be exported for merchandize to be ſpent beyond the ſeas; and upon producing a certificate under the hand of the officer of exciſe for the port where ſuch ſpirits were ſhipped, of the quantities ſo ſhipped, and that the ſame were proof ſpirits, and ſhipped in the preſence of ſuch officer, the diſtiller or exporter ſhall be paid back, by the commiſſioners of exciſe, or their collector for the port where ſuch ſpirits are ſhipped off, the ſaid additional drawback of 3 *l.* 3 *s.* for every ton of ſuch ſpirits ſo ſhipped off, and ſo in proportion for any greater or leſs quantity.

CCXIX. *Sect.* 14. The 33 *Geo.* 2. *cap.* 9. and all things therein, relating to the drawback thereby granted upon ſpirits exported as merchandize, and the diſcharge or putting in ſuit of the bonds taken by virtue of the ſaid act, and to the entring, ſhipping and exportation of ſuch ſpirits, and the landing and diſpoſing thereof in parts beyond the ſeas, and to the preventing of frauds and puniſhing offenders, ſhall be put in execution, with reſpect to the drawback hereby granted, and the melaſſes ſpirits to be entered for exportation by virtue of this act.

CCXX. *Sect.* 15. All penalties impoſed by this act ſhall be levied or mitigated, as any penalty by any law of exciſe (not otherwiſe directed by this act) or by action of debt, *&c.* in any court of record at *Weſtminſter*, or in the exchequer in *Scotland*; and one moiety of every ſuch penalty ſhall be to his Majeſty, and the other moiety to him who ſhall inform or ſue for the ſame.

CCXXI. *Sect.* 16. If any perſon be ſued for any thing done in purſuance of this act, he may plead the general iſſue, and if a verdict paſs for the defendant, *&c.* ſuch defendant ſhall have treble coſts.

Bread.

XXII. **Stat.** 31 *Geo.* 2. *cap.* 29. *ſect.* 1. So much of the ſtatute 51 *Hen.* 3. intituled, *aſſiſa panis et cerviſiæ*, as relates to the aſſiſe of bread, and the 8 *Ann. cap.* 18. and all amendments, by any ſubſequent acts, are repealed.

XXIII. *Sect.* 2. It ſhall be lawful for the court, or perſons herein after authorized, to ſet in any place within their reſpective juriſdictions, the aſſize and weight of all ſorts of bread, in ſuch place made for or expoſed to ſale, and the price to be paid for the ſame, as often as they think proper: and in every aſſize of bread, reſpect ſhall be had to the price which the grain, meal or flour, whereof ſuch bread is made, bears in the market, in or near the place for which ſuch aſſize is ſet; making reaſonable allowance to the makers of bread for ſale, for their charges, labour, and profit.

XXIV. *Sect.* 3. Where an aſſiſe of bread is ſet for any place, no perſon ſhall make for ſale, or expoſe to ſale, any ſort of bread, except wheaten and houſhold, otherwiſe brown bread, and ſuch other ſorts as in ſuch place are allowed to be made or ſold by the court, or perſons authorized to ſet the aſſize; but where it hath been uſual to make bread with the meal or flower of rye, barley, oats, beans or peaſe, or with the meal or flower of any ſuch different ſorts of grain mixed together, or the court, *&c.* ſhall allow in any place within the limits of their reſpective juriſdictions, bread to be made with rye, *&c.* or the flour thereof, or the flour of any ſuch different ſorts of grain mixed together, ſuch bread ſhall be there made and ſold: and if any perſon offend in the premiſſes, and be convicted, either by confeſſion, or the oath of one witneſs, before any magiſtrate or juſtice of peace, within the limits of his juriſdiction, he ſhall forfeit any ſum not exceeding 40 *s.* nor leſs than 20 *s.* as ſuch magiſtrate thinks fit.

XXV. *Sect.* 4. In every place for which an aſſize of bread ſhall be ſet, the aſſize and weight of the ſeveral ſorts there made for ſale, and the price, ſhall be ſet according to the tables following.

N° I. A TABLE

N° I.

A TABLE of the aſſize and price of bread made of wheat, in two parts.

Part the firſt, or, the aſſize table.

In column N° I. is the price of the buſhel of wheat Wincheſter meaſure, from 2s. 9d. to 14s. 6d. the allowance for baking included; and in column N° II. are the weights of the loaves: So that (for example) if the price of wheat is 5s. the buſhel, and 1s. 6d. the buſhel is allowed for baking, find 6s. 6d. in column N° I. and even therewith, under N° II. are the weights of the ſeveral loaves; if the price is 3s. and the allowance 1s. the weight of the loaves will be found even with 4s.

Note, The wheaten loaves are three-fourths of the weight of the houſhold loaves; and if the magiſtrates allow of any white loaves of the price of one penny or two pence, they are to weigh three-fourths of the weight of the wheaten loaves of the ſame price.

Part the ſecond, or, the price table.

In column N° II. is the price of the buſhel of wheat Wincheſter meaſure, from 2s. 9d. to 14s. 6d. the allowance for baking included; and in column N° I. are the prices of the peck, half peck, and quartern, wheaten and houſhold loaves: So that (for example) if the price of wheat is 5s. the buſhel, and 1s. 6d. is allowed for baking, find 6s. 6d. in N° II. and even therewith, under N° I. are prices of the ſeveral loaves.

Note, The prices of the houſhold loaves are three-fourths of the prices of the wheaten loaves; and where half quartern loaves are allowed, the prices of ſuch loaves (if ſold ſingly) are to be half a farthing higher than is allowed by this table, when the farthing is ſplit.

And magiſtrates being to ſet the aſſize, and fix the price, of the loaves, having reſpect to the price of the grain, or flour, in the market; but no proviſion being made how they ſhould know what price the reſpective ſorts of meal and flour ſhould be eſteemed to bear, in proportion to the price of wheat; they are to take notice, that the peck loaf of each ſort of bread is to weigh, when well baken, 17 lb. 6 ounces Averdupois, and the reſt in proportion; and that every ſack of meal or flour is to weigh 2 cwt. 2 qrs. net; and that from every ſack of meal or flour there ought to be produced, on the average, 20 ſuch peck loaves of bread; and, by obſerving the ſaid rule, magiſtrates may know if the baker hath more or leſs than the allowance they intend to give him.

N° I.	N° II.												N° I.						N° II.
	Part the First; or, The Aſſize Table.												Part the Second.						
	Small Aſſize Bread.				Large Aſſize Bread.								Prized Bread.						
The Price of the Buſhel of Wheat, and Baking.	The penny loaf		The twopenny loaf.		The ſixpenny loaf.		Twelvepenny loaf.		Eighteenpenny loaf.		Quartern loaf.		Halfpeck loaf.		Peck loaf.		The Price of the Buſhel of Wheat, and Baking.	
	Wheaten	Houſhold	Wheaten	Houſhold	Wheaten	Houſhold	Wheaten	Houſhold	Wheaten	Houſhold	Wheaten	Houſhold	Wheaten	Houſhold	Wheaten	Houſhold		
s. d.	oz. dr.	oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.	b. oz. dr.	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	
2 9	22 4	29 4	2 12 8	3 10 8	8 5 8	10 15 9	16 11 0	21 15 2	25 0 8	32 14 11	0 3 1/4	0 2 1/2	0 6 1/4	0 4 3/4	1 0 1/2	0 9 1/2	2 9	
3 0	20 4	27 1	2 8 8	3 6 2	7 9 8	10 2 6	15 3 0	20 4 12	22 12 8	30 7 2	0 3 1/2	0 2 1/2	0 7	0 5 1/4	1 1 1/4	0 10 1/4	3 0	
3 3	18 9	25 4	2 5 1	3 2 9	6 15 4	9 7 11	13 14 7	18 15 5	20 13 11	28 7 0	0 3 3/4	0 2 3/4	0 7 1/2	0 5 1/2	1 3	0 11	3 3	
3 6	17 6	23 3	2 2 12	2 14 5	6 8 4	8 11 0	13 0 9	17 6 1	19 8 13	26 1 1	0 4	0 3	0 8	0 6	1 4 0	1 0	3 6	
3 9	16 6	21 6	2 0 11	2 10 12	6 2 2	8 0 5	12 4 4	16 0 11	18 6 7	24 1 0	0 4 1/4	0 3 1/4	0 8 1/2	0 6 1/2	1 5 0	1 1	3 9	
4 0	15 4	20 4	1 14 8	2 8 8	5 11 8	7 9 8	11 7 0	15 3 0	17 2 8	22 12 8	0 4 1/2	0 3 1/2	0 9	0 6 3/4	1 6 1/4	1 1 3/4	4 0	
4 3	14 4	19 1	1 12 8	2 6 2	5 5 9	7 2 6	10 11 2	14 4 12	16 0 11	21 7 2	0 4 3/4	0 3 3/4	0 9 3/4	0 7 1/4	1 7 1/2	1 2 1/2	4 3	
4 6	13 9	17 15	1 11 2	2 3 1	4 5 1 6	6 11 10	10 2 12	13 7 4	15 4 2	20 2 14	0 5	0 3 3/4	0 10 1/4	0 7 3/4	1 8 1/2	1 3 1/2	4 6	
4 9	12 12	17 1	1 9 9	2 2	4 12 11	6 6 7	9 9 7	12 12 14	14 6 2	19 3 5	0 5 1/2	0 4	0 10 3/4	0 8	1 9 3/4	1 4 1/4	4 9	
5 0	12 1	16 6	1 8 3	2 0 1	4 4 8 9	6 2 2	9 1 1	12 4 4	13 9 10	18 6 7	0 5 3/4	0 4 1/4	0 11 1/2	0 8 1/2	1 11	1 5	5 0	
5 3	11 9	15 7	1 7 3	1 14 1	4 4 5 8	5 12 11	8 11 1	11 9 6	13 0 9	17 6 1	0 6	0 4 1/2	1 0	0 9	2 0	1 6	5 3	
5 6	11 2	14 10	1 6 4	1 13 4	4 2 12	5 7 13	8 5 8	10 15 10	12 8 3	16 7 7	0 6 1/4	0 4 3/4	1 0 1/2	0 9 1/2	2 1	1 7	5 6	
5 9	10 8	14 4	1 5 0	1 12 8	3 15 0	5 5 9	7 14 0	10 11 2	11 13 0	16 0 11	0 6 1/2	0 5	1 1 1/4	0 9 3/4	2 2 1/2	1 7 1/2	5 9	
6 0	10 2	13 9	1 4 4	1 11 2	3 12 12	5 1 6	7 9 8	10 2 12	11 6 4	15 4 2	0 7	0 5 1/4	1 1 3/4	0 10 1/4	2 3 1/2	1 8 1/2	6 0	
6 3	9 11	13 1	1 3 3	1 10 1	3 10 2	4 14 3	7 4 4	9 12 6	10 14 6	14 10 9	0 7 1/4	0 5 1/2	1 2 1/4	0 10 3/4	2 4 3/4	1 9 1/4	6 3	
6 6	9 4	12 10	1 2 9	1 9 4	3 7 10	4 11 13	6 15 4	9 7 11	10 6 13	14 3 8	0 7 1/2	0 5 1/2	1 3	0 11	2 6	1 10	6 6	
6 9	9 0	12 1	1 1 15	1 8 3	3 5 13	4 8 9	6 11 10	9 1 1	10 1 7	13 9 10	0 7 3/4	0 5 3/4	1 3 1/2	0 11 1/2	2 7	1 11	6 9	
7 0	8 11	11 9	1 1 6	1 7 3	3 4 2	4 5 8	6 8 4	8 11 1	9 12 7	13 0 9	0 8	0 6	1 4	1 0	2 8	2 0	7 0	
7 3	8 7	11 2	1 0 14	1 6 4	3 2 9	4 2 12	6 5 2	8 5 8	9 7 11	12 8 3	0 8 1/4	0 6 1/2	1 4 1/2	1 0 1/2	2 9	2 1	7 3	
7 6	8 3	10 11	1 0 6	1 5 6	3 1 1	4 0 3	6 2 2	8 0 5	9 3 3	12 0 8	0 8 1/2	0 6 1/2	1 5	1 1	2 10	2 2	7 6	
7 9	7 14	10 6	0 15 12	1 4 12	2 15 4	3 14 5	5 14 8	7 12 10	8 13 12	11 10 15	0 8 3/4	0 6 1/2	1 5 1/2	1 1 1/2	2 11 1/4	2 2 3/4	7 9	

Bread.

| N° I. | N° II. | | |

N° II.

A TABLE of the aſſize and price of bread made of the ſeveral grains hereunder mentioned.

Columns the 1ſt and 4th contain the prices of the buſhel of grain, the allowance for baking included; which prices are for the Wincheſter buſhel of rye, barley, oats, beans, or maſlin *alias* miſcellany, conſiſting of two thirds wheat and one third rye; the price of which being known, the magiſtrates are to add the intended allowance thereto; the amount of which being found either in column N° I. or IV. the weights which the loaves ought to be of, will be found under columns N°. II. III. V. and VI. and the price of the reſpective peck loaves (which are to weigh 17 lb. 6 oz. each) under N° VII.

Note; Where bread is allowed at any time to be made for ſale of peaſe only, the aſſize and price are to be ſet from the bean columns; and where bread is to be made for ſale of a coarſe ſort of maſlin or miſcellany grain, conſiſting of one third rye, one third barley, and one third either peaſe or beans, the aſſize and price are to be ſet from the barley columns.

Note; This table is framed for bread to be made of the whole produce of the ſaid ſeveral grains, except the bran or hull.

N° I.	N° II.										N° III.									
Price of the Buſhel of Rye, Barley, &c.	Weight of the penny loaf.										Weight of the twopenny loaf.									
	Rye.		Barley.		Oats.		Beans.		Maſlin.		Rye.			Barley.			Oats.			Beans.			Maſlin.		
s. d.	oz.	d.	oz.	d.	oz.	d.	oz.	d.	oz.	d.	lb.	oz.	d.	lb.	oz.	d.	lb.	oz.	d.	lb.	oz.	d.	lb.	oz.	d.
1 0	62	8	67	8	31	4	83	12	70	0	7	13	0	8	7	0	3	14	8	10	7	8	8	12	0
1 3	50	0	54	0	25	0	67	0	56	0	6	4	0	6	12	0	3	2	0	8	6	0	7	0	0
1 6	41	10	45	0	20	14	55	12	46	10	5	3	5	5	10	0	2	9	12	6	15	8	5	13	4
1 9	35	11	38	9	17	14	47	14	40	0	4	7	6	4	13	2	2	3	12	5	15	12	5	0	0
2 0	31	4	33	12	15	10	41	14	35	0	3	14	8	4	3	8	1	15	4	5	3	12	4	6	0
2 3	27	13	30	0	13	14	37	4	31	2	3	7	10	3	12	0	1	11	12	4	10	8	3	14	4
2 6	25	0	27	0	12	8	33	8	28	0	3	2	0	3	6	0	1	9	0	4	3	0	3	8	0
2 9	22	11	24	9	11	6	30	7	25	6	2	13	6	3	1	2	1	6	12	3	12	14	3	2	12
3 0	20	13	22	8	10	7	27	14	23	5	2	9	10	2	13	0	1	4	14	3	7	12	2	14	10
3 3	19	4	20	12	9	10	25	12	21	8	2	6	8	2	9	8	1	3	4	3	3	8	2	11	0
3 6	17	13	19	4	8	15	23	15	20	0	2	3	11	2	6	8	1	1	14	2	15	14	2	8	0
3 9	16	11	18	0	8	5	22	5	18	10	2	1	6	2	4	0	1	0	11	2	12	10	2	5	4
4 0	15	10	16	14	7	13	20	15	17	8	1	15	4	2	1	12	0	15	10	2	9	14	2	3	0
4 3	14	12	15	14	7	6	19	11	16	8	1	13	8	1	15	13	0	14	12	2	7	6	2	1	0
4 6	13	14	15	0	6	15	18	10	15	9	1	11	13	1	14	0	0	13	14	2	5	3	1	15	2
4 9	13	2	14	4	6	9	17	11	14	12	1	10	5	1	12	9	0	13	3	2	3	6	1	13	8
5 0	12	8	13	8	6	4	16	12	14	0	1	9	0	1	11	0	0	12	8	2	1	8	1	12	0
5 3	11	14	12	14	5	15	15	15	13	5	1	7	13	1	9	13	0	11	15	1	15	14	1	10	10
5 6	11	5	12	4	5	11	15	3	12	11	1	6	11	1	8	9	0	11	6	1	14	7	1	9	6
5 9	10	13	11	12	5	7	14	9	12	2	1	5	11	1	7	8	0	10	14	1	13	2	1	8	4
6 0	10	6	11	4	5	3	13	15	11	10	1	4	13	1	6	8	0	10	7	1	11	14	1	7	5
6 3	10	0	10	13	5	0	13	6	11	3	1	4	0	1	5	10	0	10	0	1	10	12	1	6	6
6 6	9	10	10	6	4	13	12	14	10	12	1	3	4	1	4	12	0	9	10	1	9	12	1	5	8
6 9	9	4	10	0	4	10	12	6	10	6	1	2	9	1	4	0	0	9	5	1	8	13	1	4	12
7 0	8	15	9	10	4	7	11	15	10	0	1	1	13	1	3	4	0	8	15	1	7	15	1	4	0

Price of the Bushel Baking.	N° V. Weight of the sixpenny loaf.										N° VI. Weight of the twelvepenny loaf.										N° VII. Price of the peck loaf.					
	Rye.			Barley.			Oats.			Beans.			Maslin.			Rye.			Barley.			Oats.			Beans.			Maslin.		
s. d.	lb.	oz.	d.	lb.	oz.	d.	lb.	oz.	d.	lb.	oz.	d.	lb.	oz.	d.	lb.	oz.	d.	lb.	oz.	d.	lb.	oz.	d.	lb.	oz.	d.	lb.	oz.	d.	s. d.	s. d.	s. d.	s. d.	s. d.
1 0	23	7	0	25	5	0	11	11	8	31	6	8	26	4	0	46	14	0	50	10	0	23	7	0	62	13	0	52	8	0	0 4½	0 4½	0 9	0 3¼	0 4
1 3	18	12	0	20	4	0	9	6	0	25	2	0	21	0	0	37	8	0	40	8	0	18	12	0	50	4	0	42	0	0	0 5½	0 5¼	0 11	0 4	0 5
1 6	15	9	15	16	14	0	7	13	4	20	14	8	17	7	12	31	3	14	33	12	0	15	10	8	41	13	0	34	15	8	0 6½	0 6¼	1 1¼	0 5	0 6
1 9	13	6	2	14	7	6	6	11	4	17	15	4	15	0	0	26	12	4	28	14	12	13	6	8	35	14	8	30	0	0	0 7¾	0 7¼	1 3¼	0 5¾	0 7
2 0	11	11	8	12	10	8	5	13	12	15	11	4	13	2	0	23	7	0	25	5	0	11	11	8	31	6	8	26	4	0	0 8¾	0 8¼	1 5¾	0 6¾	0 8
2 3	10	6	14	11	4	0	5	3	4	13	15	8	11	10	12	20	13	12	22	8	0	10	6	8	27	15	0	23	5	8	0 10	0 9¼	1 7¼	0 7½	0 9
2 6	9	6	0	10	2	0	4	11	0	12	9	0	10	8	0	18	12	0	20	4	0	9	6	0	25	2	0	21	0	0	0 11	0 10½	1 10	0 8¼	0 10
2 9	8	8	2	9	3	6	4	4	4	11	6	10	9	8	4	17	0	4	18	6	12	8	8	8	21	13	4	19	0	8	1 0	0 11½	2 1	0 9¾	0 11
3 0	7	12	15	8	7	0	3	14	10	10	7	4	8	11	14	15	9	15	16	14	0	7	13	4	20	14	8	17	7	12	1 1	1 0½	2 2½	0 10	1 0
3 3	7	3	8	7	12	8	3	9	12	9	10	8	8	1	0	14	7	0	15	9	0	7	3	8	19	5	0	16	2	0	1 2¼	1 1½	2 4¼	0 10¾	1 1
3 6	6	11	1	7	3	8	3	5	10	8	15	10	7	8	0	13	6	2	14	7	0	6	11	4	17	15	4	15	0	0	1 3¼	1 2¾	2 6½	0 11¾	1 2
3 9	6	4	2	6	12	0	3	2	1	8	5	14	6	15	12	12	7	4	13	8	0	6	4	2	16	11	12	13	15	8	1 4¼	1 3¾	2 8¼	1 0½	1 3
4 0	5	13	12	6	5	4	2	14	14	7	13	10	6	9	0	11	11	8	12	10	8	5	13	12	15	11	4	13	2	0	1 5¾	1 4¾	2 11¼	1 1¼	1 4
4 3	5	8	8	5	15	7	2	12	4	7	6	2	6	3	0	11	1	0	11	14	14	5	8	8	14	12	4	12	6	0	1 6¾	1 5¾	3 0¾	1 2¼	1 5
4 6	5	3	7	5	10	0	2	9	10	6	15	9	5	13	6	10	6	14	11	4	0	5	3	4	13	15	2	11	10	12	1 8	1 7	3 2½	1 3	1 6
4 9	4	14	15	5	5	11	2	7	9	6	10	2	5	8	8	9	13	14	10	11	6	4	15	2	13	4	4	11	1	0	1 8¾	1 8	3 5¼	1 3¾	1 7
5 0	4	11	0	5	1	0	2	5	8	6	4	8	5	4	0	9	6	0	10	2	0	4	11	0	12	9	0	10	8	0	1 10	1 9	3 8	1 4¾	1 8
5 3	4	7	7	4	13	7	2	3	13	5	15	10	4	15	14	8	14	14	9	10	14	4	7	10	11	15	4	9	15	12	1 11¼	1 10	3 11	1 5¾	1 9
5 6	4	4	1	4	9	11	2	2	2	5	11	5	4	12	2	8	8	2	9	3	6	4	4	4	10	6	10	9	8	4	2 0¼	1 11	4 1	1 7½	1 10
5 9	4	1	1	4	6	8	2	0	10	5	7	6	4	8	12	8	2	2	8	13	0	4	1	4	10	14	12	9	1	8	2 1¼	2 0	4 3	1 7¾	1 11
6 0	3	14	7	4	3	8	1	15	5	5	3	10	4	5	15	7	12	15	8	7	0	3	14	10	10	7	4	8	11	14	2 2¾	2 1	4 5½	1 8	2 0
6 3	3	12	0	4	0	14	1	14	0	5	0	4	4	3	2	7	8	0	8	1	12	3	12	0	10	0	8	8	6	4	2 3¾	2 2	4 7¼	1 8¾	2 1
6 6	3	9	12	3	14	4	1	12	14	4	13	4	4	0	8	7	3	8	7	12	8	3	9	12	9	10	8	8	1	0	2 5	2 3	4 9	1 9½	2 2
6 9	3	7	11	3	12	0	1	11	15	4	10	7	3	14	4	6	15	6	7	8	0	3	7	14	9	4	14	7	12	8	2 6	2 4	5 0	1 10½	2 3
7 0	3	5	8	3	9	12	1	10	13	4	7	13	3	12	0	6	11	1	7	3	8	3	5	10	8	15	10	7	8	0	2 7	2 5	5 1¼	1 11¼	2 4

XXVI. s.d.

N

XXVI. *Sect.* 5. Every aſſize ſet in any city, town or diviſion, ſhall be ſet in averdupoize weight, of 16 ounces to the pound, and in the proportions directed by the tables, or as near as may be, as to the ſeveral ſorts of bread in this act ſpecified; and the tables ſhall extend to bread made with the flour of wheat mixed with the flour of other grain, as alſo to bread made with the flour of other grain than wheat; and the aſſize of all ſuch mixed bread ſhall be ſet, as near as may be, according to the tables.

XXVII. *Sect.* 6. The prices which the ſeveral kinds of grain, meal and flour, (fit to make the different ſorts of bread) ſell for in the markets in *London*, during the whole market, and not at particular times thereof, or on particular contracts only, ſhall be certified on oath, on ſome certain day in every week, as the court of mayor and aldermen of *London* appoint, by the meal weighers of the city of *London*, or ſuch perſons as the ſaid court ſhall direct; and alſo in ſome day in every week appointed by the ſaid court, be entered by ſuch meal weighers, *&c.* under their hands, in ſome book provided by the city of *London*, and kept at the town clerk's office. And the next day after every every ſuch price ſo certified, the aſſize and weight of all ſorts of bread to be expoſed to ſale within the limits of their juriſdiction, and the price for the ſame, ſhall be ſet by the court of mayor and aldermen in *London*, if the ſaid court then ſit, and if ſuch court ſhall not then ſit, by the mayor; and the aſſize of bread ſo ſet in *London*, ſhall take place from ſuch time as the ſaid court ſhall order, and be in force for the city of *London* and the liberties thereof, and the weekly bills of mortality (the city of *Weſtminſter* and liberties thereof, the borough of *Southwark*, and weekly bills of mortality in the county of *Surry*, excepted) until a new aſſiſe of bread in *London* be ſet; and after the ſetting of every ſuch aſſize of bread in *London*, the aſſize ſo ſet ſhall with all ſpeed be made public in ſuch manner as the court of mayor and aldermen ſhall order. But before any advance or reduction in any week be made by the ſaid court or mayor, in the price of bread, the meal weighers, *&c.* ſhall leave in writing, at the common hall of the company of bakers in the ſaid city, a copy of every return of the price of grain, meal and flour, ſome time of the ſame day on which they make ſuch return, that the company of bakers may the morning of the next day after ſuch return and entry, and before any aſſize be ſet, have an opportunity to offer to the court of mayor and aldermen, *&c.* objections againſt any advance or reduction being that day made in *London* in the price of bread.

XXVIII. *Sect.* 7. The court of mayor and aldermen of every other city, where there is ſuch court, and when ſuch court ſits; and where there is no ſuch court, or the ſame does not ſit, the mayor, bailiffs, or other chief magiſtrates of every city; and in towns corporate or boroughs, the mayor, bailiffs, aldermen, or other chief magiſtrates; or two or more juſtices of peace in ſuch towns and places where there is no ſuch mayor, *&c.* ſhall, as there is occaſion, within their reſpective juriſdictions, cauſe the prices which the ſeveral ſorts of grain, *&c.* (fit to make the different ſorts of bread) ſell for in the reſpective markets in or near ſuch place, during the whole market, to be certified upon oath unto ſuch court, or magiſtrates, within their ſeveral juriſdictions, in ſuch manner, and by ſuch perſons, and on ſuch day in every week, as ſuch court, *&c.* ſhall appoint; and the price ſo certified ſhall be entered by the perſons who certify the ſame in ſome book kept by them. And within two days after ſuch price ſo returned, the aſſize and weight of bread for every ſuch city, *&c.* and the price for the ſame, ſhall be ſet by the court of mayor and aldermen of ſuch city where there is ſuch court, and the ſame ſhall ſit; and when ſuch court ſhall not ſit, by the mayor; and where there is not ſuch court, by the mayor, bailiffs, or other chief magiſtrates; and in towns corporate and boroughs, by the mayor, bailiffs, aldermen, or other chief magiſtrates; and by two or more juſtices of peace in towns or places where there is no ſuch mayor, *&c.* and the aſſize and weight of bread, and price ſo ſet, in every ſuch place, ſhall commence on ſuch day in every week, and be in force for ſuch time, not exceeding ſeven days from the ſetting ſuch aſſize, and be made public in ſuch manner, as ſuch court or magiſtrates direct.

XXIX. *Sect.* 8. If any two or more juſtices of peace of counties at large, or diviſions, ſet an aſſize of bread, for any place within their reſpective juriſdictions, it ſhall be lawful for ſuch juſtices to cauſe the price which grain, *&c.* (fit to make the ſeveral ſorts of bread made for ſale in ſuch place) ſells for in the corn market in or near

ſuch place, during the whole market, to be certified on oath, to them at their reſpective houſes in ſuch county or diviſion, on ſuch day in every week, as they ſhall appoint, by the reſpective clerks of the market in or near ſuch place, or ſuch other perſons as ſuch juſtices ſhall appoint; and the price of grain, *&c.* ſo returned, ſhall be entered by the perſons who return the ſame, in ſome book kept for that purpoſe; and within two days after ſuch return of the price of grain, *&c.* to ſuch juſtices, the price and aſſize of bread may be by them or two of them, ſet for ſuch place, for any time not exceeding 14 days from every ſetting thereof: and the aſſize ſo ſet ſhall commence and be in force at ſuch time after every ſetting thereof, and be made public in ſuch place for which the ſame is ſo ſet, in ſuch manner as the juſtices who ſet the ſame ſhall order.

XXX. *Sect.* 9. Any maker of bread for ſale in any ſuch city or place, where the price and aſſize of bread ſhall at any time be ſet, ſhall have liberty, at all ſeaſonable times in the day-time, the next day after every return of the price of grain, meal and flour, for ſuch city, *&c.* to ſee the entry of the price of grain, *&c.* without paying any thing for the ſame; that every ſuch maker of bread for ſale, may have an opportunity on the ſaid next day after ſuch entry, to offer to ſuch court, chief magiſtrate, or juſtices, before any ſuch aſſize be ſet, objections againſt any advance or reduction in the aſſize or price of bread in ſuch city, *&c.*

XXXI. *Sect.* 10. No baker or maker of bread for ſale ſhall be liable to pay any fee, to any perſon for any aſſize of bread being at any time ſet, altered or publiſhed, by virtue of this act.

XXXII. *Sect.* 11. The form of the return, or the certificate of the price of grain, meal or flour, ſhall be to the effect as fulloweth, *viz.*

The prices of grain, meal and flour, as ſold in the corn market in
in the of the day of 17

The beſt wheat	at	by the buſhel.
The ſecond	at	by ditto.
The third	at	by ditto.
The beſt wheaten flour	at	by the ſack.
Houſhold flour	at	by ditto.
Rye	at	by the buſhel.
Rye meal, or flour	at	by the buſhel.
Barley	at	by ditto.
Barley meal	at	by ditto.
Oats	at	by ditto.
Oatmeal	at	by
White peas	at	by the buſhel.
White pea flour, or meal	at	by
Beans	at	by the buſhel.
Bean meal, or flour	at	by

To every of which returns the perſons appointed to make the ſame, ſhall ſign their names or marks.

XXXIII. *Sect.*

XXXIII. *Sect.* 12. When an aſſize of bread ſhall be ſet in purſuance of this act, the ſame ſhall be made public in the form or to the effect following, *viz.*

To wit, The aſſize of bread, ſet the ____ day of ____ for ____ to take place on the ____ day of ____ now next enſuing, and to be in force for the ſaid ____ of ____

And in places where penny, twopenny, ſixpenny, twelvepenny, and eighteenpenny loaves ſhall be made, as followeth;

	lb.	oz.	dr.
The penny loaf wheaten is to weigh			
Ditto houſhold is to weigh			
The twopenny loaf wheaten is to weigh			
Ditto houſhold is to weigh			
The ſixpenny loaf wheaten is to weigh			
Ditto houſhold is to weigh			
The twelvepenny loaf wheaten is to weigh			
Ditto houſhold is to weigh			
The eighteenpenny loaf wheaten is to weigh			
Ditto houſhold is to weigh			

And in places where quartern, half peck, and peck loaves ſhall be made, then as follows;

	lb.	oz.	dr.		s.	d.
The peck loaf wheaten is to weigh				and is to be ſold for		
Ditto houſhold is to weigh				and is to be ſold for		

And the half peck and quarter of a peck loaves of wheaten and houſhold bread are to weigh, in proportion to the weight a peck loaf of wheaten or houſhold bread ought to weigh, and are to be ſold according to the price a peck loaf of wheaten or houſhold bread reſpectively is to be ſold; and whenever any bread ſhall be ordered to be made by any ſuch magiſtrate or juſtices, within their juriſdiction, with the meal or flour of rye, barley, oats, peas or beans, either alone, or mixed with the meal or flour of any other grain or grains, the aſſize of ſuch bread ſhall be made public in ſuch manner as the ſaid magiſtrate or juſtices, who ſet ſuch aſſize, ſhall direct.

XXXIV. *Sect.* 13. In places where any ſixpenny, twelvepenny, and eighteenpenny loaves ſhall be ordered to be made or ſold, no peck, half-peck, or quarter of a peck loaves ſhall be allowed at the ſame time; that one of thoſe ſorts of loaves may not be ſold for the other ſort, to the injury of unwary people; upon pain that every one who offends in the premiſſes, and is convicted, ſhall for every offence forfeit a ſum not exceeding 40*s.* nor leſs than 20*s.* as the magiſtrate before whom he is convicted, thinks fit.

XXXV. *Sect.* 14. If for the better carrying into execution this act, the juſtices of peace of any county or diviſion, ſhall, at any general or general quater-ſeſſions fix, that any hundred or place, in any ſuch county, *&c.* ought to be conſidered as in any one particular hundred, riding, or diviſion of ſuch county, *&c.* that the aſſize of bread ſet for ſuch particular hundred or place, may extend to ſuch other hundred or place, it ſhall be lawful for them ſo to do; but by ſo doing, no juſtice of peace of any ſuch county, *&c.* ſhall be excluded from acting as a juſtice in any hundred or diviſion of any ſuch county in which any ſuch particular towns or places lie, or the aſſize for them is ſet.

XXXVI. *Sect.*

XXXVI. *Sect.* 15. An entry ſhall be made by every clerk of the market, or other perſon appointed to make ſuch certificate as hereby is directed, in ſome book to be provided and kept by them reſpectively for that purpoſe, of every return made in purſuance of this act, and of the rate at which the price, aſſize, and weight of bread ſhall from time to time be ſet within the juriſdiction of every ſuch clerk of the market, *&c.* which book any inhabitant, ſhall at all ſeaſonable times in the day-time, have liberty to inſpect without fee.

XXXVII. *Sect.* 16. After an aſſize of bread ſet, no alteration ſhall be made therein in any ſubſequent week; unleſs when the price of wheat, or other grain, is returned as having roſe 3 *d.* each buſhel more than the laſt return, or fallen 3 *d.* each buſhel lower than the laſt return.

XXXVIII. *Sect.* 17. If any meal weigher, clerk of any market, or other perſon appointed to certify the price of grain, meal and flour, neglect to do any thing by this act required, or knowingly make any falſe certificate; or if any conſtable or peace officer neglect to obey any warrant delivered to him of any magiſtrate or juſtice of peace, or to do any act requiſite for the carrying this act into execution; every perſon ſo offending being convicted, ſhall forfeit for every offence, any ſum not exceeding 5 *l.* nor leſs than 20 *s.* as the magiſtrate before whom he is convicted, ſhall order.

XXXIX. *Sect.* 18. In caſe any buyers or ſellers of or dealers in corn, grain, meal or flour, on requeſt by the meal weighers of the city of *London* in *London*, or by the clerks of the markets, or other perſons appointed to certify the prices of grain, *&c.* from the markets within their juriſdictions, ſhall refuſe to diſcloſe to ſuch meal weighers, clerks of the markets, *&c.* the prices the ſeveral ſorts of grain, meal and flour, are *bona fide* bought at or ſold by or for them, at any corn market, or other place, where grain is uſually publicly ſold within the juriſdiction of ſuch perſons, who requeſt ſuch account; or ſhall knowingly give in to any ſuch meal weigher, clerk of the market, *&c.* any falſe price of any grain, *&c.* bought or ſold, or agreed ſo to be, or any price made by deceitful means, he or ſhe ſo offending, being convicted by the oath of one witneſs, or affirmation of a Quaker, or on confeſſion, ſhall forfeit any ſum not exceeding 10 *l.* nor leſs than 40 *s.* as the magiſtrate, before whom ſuch offender is convicted, ſhall order.

XL. *Sect.* 19. If any ſuch court, magiſtrate or juſtice, who ſhall have ordered any return to be made of the price of grain, *&c.* within their reſpective juriſdictions, ſhall within three days after ſuch return made, ſuſpect that the ſame was not truly made, it ſhall be lawful for ſuch court, *&c.* to ſummon before them any perſon who bought or ſold, or is ſuſpected to have bought or ſold, or agreed to buy or ſell, any grain, *&c.* within their reſpective juriſdictions, or who is likely to give information concerning the premiſſes, and to examine them upon oath, touching the prices the ſeveral ſorts of grain, *&c.* were there bought at, or agreed ſo to be by them, at any time within ſeven days preceding the ſummoning of them; and if any perſon ſo ſummoned neglect to appear (and proof be made on oath of ſuch ſummons having been ſerved) or if any perſon ſo ſummoned appear, and refuſe to anſwer ſuch lawful queſtions propoſed by ſuch court, *&c.* without ſome juſt excuſe, to be allowed of by ſuch court, *&c.* he or ſhe ſo offending, being convicted either by the oath of one witneſs, or confeſſion, before any ſuch court, *&c.* ſhall forfeit any ſum not exceeding 10 *l.* and not leſs than 40 *s.* as ſuch court, *&c.* ſhall order; and if any perſon ſo examined upon oath wilfully forſwear himſelf, he ſhall be ſubject to be proſecuted as for perjury, by indictment or information; and if convicted, be liable to the penalties of wilful and corrupt perjury. Provided that the party ſo ſummoned be not obliged to travel above five miles from the place of his abode.

XLI. *Sect.* 20. Whenever any court, magiſtrate or juſtices of peace, order any bread to be made within their reſpective juriſdictions, of the flour or meal of any other grain or grains than wheat, or to be mixed with the flour of wheat, or to be made with the flour or meal of any other grains, either ſeparate or mixed together, all perſons who make any bread for ſale where ſuch order is made, ſhall make bread with ſuch mixed meal or flour, in ſuch manner as is ordered by ſuch court, *&c.* and ſhall make the ſame of ſuch weight and goodneſs, and ſell the ſame at ſuch prices as ſuch court, *&c.* order; upon pain that every perſon who offends in the premiſſes and is convicted, ſhall

forfeit any ſum not exceeding 5*l.* nor leſs than 40*s.* as the magiſtrate before whom ſuch offender is convicted ſhall order.

XLII. *Sect.* 21. The ſeveral ſorts of bread made for ſale, or ſold or expoſed to ſale in any place, ſhall be well made and in their ſeveral degrees, according to the goodneſs of the ſeveral ſorts of meal or flour whereof the ſame ought to be made, and no allum, or preparation or mixture in which allum is an ingredient, or any other mixture or ingredient (except only the meal or flour which ought to be put therein, and common ſalt, pure water, eggs, milk, yeaſt and barm, or ſuch leaven as is allowed by the court or perſon who ſet the aſſize of bread for the place where ſuch leaven is uſed, and where no aſſize is ſet, then ſuch leaven as any magiſtrate within his juriſdiction ſhall allow) ſhall be put into or uſed in making dough, or any bread to be ſold, or as leaven to ferment any dough, or on any other account, in the trade of making bread; upon pain that every perſon (other than a ſervant or journeyman) who knowingly offends in the premiſſes, and is convicted either by confeſſion or the oath of one witneſs, before any magiſtrate within his juriſdiction, ſhall forfeit any ſum not exceeding 10*l.* and not leſs than 40*s.* or ſhall by warrant of ſuch magiſtrate be committed to the houſe of correction, or ſome priſon of the county or place where the offence is committed, or the offender apprehended, to be kept to hard labour for any time not exceeding one calendar month, nor leſs than ten days, as ſuch magiſtrate ſhall order; and if any ſervant or journeyman baker knowingly offends in the premiſſes, and is convicted either by confeſſion or by the oath of one witneſs before any magiſtrate within his juriſdiction, he ſhall forfeit any ſum not exceeding 5*l.* and not leſs than 20*s.* or ſhall by warrant of ſuch magiſtrate be committed to the houſe of correction, or ſome priſon of the county or place where the offence is committed, or the offender apprehended, to be kept to hard labour for any time not exceeding one calandar month nor leſs than ten days, as ſuch magiſtrate ſhall order; and it ſhall be lawful for the magiſtrate before whom ſuch offender is convicted, out of the money forfeited when recovered, to cauſe the offender's name, place of abode and offence, to be publiſhed in ſome news paper printed in or near the county or place where ſuch offence is committed.

XLIII. *Sect.* 22. No perſon ſhall knowingly put into any corn, meal or flour, which ſhall be ground, dreſſed, bolted or manufactured for ſale, either at the time of grinding, *&c.* or at any other time, any ingredient, mixture or thing, or ſhall knowingly ſell or expoſe to ſale, any meal or flour of one ſort of grain for the meal or flour of any other ſort of grain, or any thing as or mixed with the meal or flour of any grain which ſhall not be the real meal or flour of the grain the ſame ought to be; upon pain that every perſon who offends in the premiſſes and is convicted, ſhall forfeit for every ſuch offence, any ſum not exceeding 5*l.* nor leſs than 40*s.* as the magiſtrate before whom he is convicted ſhall order.

XLIV. *Sect.* 23. No perſon ſhall knowingly put into any bread made for ſale, any mixture of meal or flour of any other grain than of the grain the ſame imports to be, and is allowed to be made of, or ſhall put into any bread made for ſale, any other proportion of any other grain, or the meal or flour thereof, than is appointed by this act; or any mixture or thing as flour which is not the genuine flour; upon pain that every perſon offending in the premiſſes, and convicted, ſhall forfeit any ſum not exceeding 5*l.* nor leſs than 20*s.* as the magiſtrate before whom he is convicted ſhall order, every time he offends and is convicted.

XLV. *Sect.* 24. If any perſon who makes bread for ſale, or ſends out, ſells or expoſes to ſale any bread, ſhall make, ſell or expoſe to ſale, any bread deficient in weight, according to the aſſize ſet for ſuch bread, he or ſhe ſo offending and being convicted ſhall forfeit a ſum not exceeding 5*s.* nor leſs than 1*s.* for every ounce deficient in the weight every ſuch loaf ought to be of; and for every loaf wanting leſs than an ounce of the weight, a ſum not exceeding 2*s.* 6*d.* nor leſs than 6*d.* as ſuch magiſtrate before whom ſuch bread is brought ſhall order; ſo as ſuch bread complained of in any city, town corporate, borough, liberty or franchiſe, or the juriſdiction thereof, or within the weekly bills of mortality, be brought before ſome magiſtrate having juriſdiction in the premiſſes, and be weighed before him within 24 hours after the ſame is baked, ſold or expoſed to ſale; and ſo as ſuch bread complained of in any hundred or place, be brought before ſome juſtice of peace of

ſuch

ſuch hundred or place, and be weighed before ſuch juſtice within three days after the ſame is baked, ſold or expoſed to ſale; unleſs it be made out to the ſatisfaction of ſuch magiſtrate, on behalf of the party againſt whom ſuch complaint is made, that ſuch deficiency in weight wholly aroſe from ſome unavoidable accident in baking or otherwiſe, or was occaſioned by ſome confederacy.

XLVI. *Sect.* 25. Every perſon who makes for ſale, or ſells, expoſes or ſends out for ſale any bread, ſhall cauſe to be marked on every loaf the Roman letters aftermentioned, *viz.* upon every loaf ſold, *&c.* as wheaten bread, a large roman W; and upon every loaf ſold, *&c.* as houſhold or brown bread, a large roman H; and every perſon who makes for ſale, *&c.* any loaf of any ſort of bread allowed to be made in purſuance of this act, not marked purſuant to this act, ſo as the ſame may on view be aſcertained, under what denomination ſuch loaf was made, and ought to be weighed (except as to loaves raſped after the beſpeaking or purchaſing, by the deſire of any perſon who orders the ſame) ſhall, for every time he offends and is convicted, forfeit a ſum not exceeding 20*s.* nor leſs than 5*s.* as any magiſtrate before whom the offender is convicted, ſhall direct for every loaf not marked.

XLVII. *Sect.* 26. No baker or other perſon ſhall aſk or take, for any bread which he ſells or expoſes to ſale, any greater price than ſuch bread ſhall be aſcertained to be ſold for by the court, magiſtrate or juſtices, authorized to ſet the price and aſſize of bread; and no baker or other perſon who makes any bread for ſale, ſhall refuſe to ſell any loaf of any ſort of bread in purſuance of this act allowed to be made, to any perſon who ſhall tender ready money for the ſame, at the price ſuch bread, by the aſſize is fixed at, when ſuch baker, *&c.* has any loaf of ſuch bread in his poſſeſſion, to be ſold, more than is requiſite for the immediate neceſſary uſe of his own family or cuſtomers; and which it ſhall be incumbent on ſuch baker or other perſon complained of, to prove before the magiſtrate to whom ſuch complaint is made, if required by the party who makes ſuch complaint; upon pain that every perſon convicted of ſuch offence, ſhall forfeit a ſum not exceeding 40*s.* nor leſs than 10*s.* as the magiſtrate before whom he is convicted ſhall order, every time he offends and is convicted.

XLVIII. *Sect.* 27. No perſon ſhall ſell or offer to ſale any bread of an inferior quality to wheaten bread, at a higher price than houſhold bread is ſet at by the aſſize; and if any perſon offend in the premiſſes, he ſhall forfeit for every ſuch offence, on being convicted either by confeſſion, or by the oath of one witneſs, before any magiſtrate within whoſe juriſdiction ſuch offence is committed, 20*s.*

XLIX. *Sect.* 28. It ſhall be lawful for any magiſtrate or juſtice of peace within the limits of their reſpective juriſdictions, and for any peace officer authorized by warrant of any ſuch magiſtrate, at ſeaſonable times in the day-time, to enter into any houſe, ſhop, ſtall, bakehouſe, warehouſe or outhouſe, of any baker or ſeller of bread, to ſearch for, view, weigh and try any bread there found: and if any bread be found wanting either in the goodneſs of the ſtuff whereof the ſame is made, or deficient in the baking or working, or in the due weight, or not truly marked, or of any other ſort than allowed by virtue of this act; any magiſtrate or peace officer may ſeize the ſame, and ſuch magiſtrate may diſpoſe thereof as he thinks fit.

L. *Sect.* 29. If information be given on oath to any magiſtrate or juſtice of peace, that there is cauſe to ſuſpect that any miller who grinds grain for toll or reward, or any perſon who doth dreſs, bolt, or in any wiſe manufacture meal or flour for ſale, or any maker of bread for ſale, within the juriſdiction of ſuch magiſtrate, doth mix up with or put into any meal or flour ground or manufactured for ſale, any mixture, ingredient or thing not the genuine produce of the grain ſuch meal or flour ought to be, or whereby the purity of any meal or flour in the poſſeſſion of any ſuch miller, mealman or baker is adulterated; it ſhall be lawful for ſuch magiſtrate, and for any peace officer authorized by warrant of any magiſtrate, at all ſeaſonable times in the day-time, to enter into any houſe, mill, ſhop, bakehouſe, ſtall, bolting-houſe, paſtry, warehouſe or out-houſe, of any ſuch miller, mealman or baker, and to ſearch whether any mixture, ingredient or thing, not the genuine produce of the grain ſuch meal or flour ought to be, be mixed up with or put into any meal or flour in the poſſeſſion of any ſuch miller, mealman or baker, either in the grinding at the mill, or in the dreſſing, bolting or manufacturing, or whereby the purity of

any

any meal or flour is any wiſe adulterated: and if it appear that any offence hath been committed in any mill, bolting-houſe or other place allowed to be ſearched, it ſhall be lawful for any magiſtrate or officer authorized as aforeſaid, to ſeize any meal or flour deemed to have been adulterated, and all mixtures and ingredients found and deemed to have been uſed, or intended to be uſed in ſuch adulteration; and ſuch as be ſeized by any peace officer, ſhall with all ſpeed be carried to ſome magiſtrate within whoſe juriſdiction the ſame are ſo ſeized: and if any magiſtrate who makes any ſeizure, or to whom any thing ſeized under this act is brought, adjudge that any mixture or ingredients, not the genuine produce of the grain any ſuch meal or flour ſo ſeized ought to be, is put into ſuch meal or flour, or that the purity of ſuch meal or flour ſo ſeized was adulterated, ſuch magiſtrate is to diſpoſe of the ſame as he thinks proper.

LI. *Sect.* 30. Every miller, mealman, baker or ſeller of bread, in whoſe poſſeſſion any mixture or ingredient is found, which is adjudged by any magiſtrate to have been lodged there, with intent to have adulterated the purity of meal, flour or bread, ſhall on being convicted either by confeſſion, or by the oath of one witneſs, before any magiſtrate within whoſe juriſdiction ſuch offence is committed, forfeit for every ſuch offence a ſum not exceeding 10*l.* nor leſs than 40*s.* as the magiſtrate before whom ſuch offender is convicted ſhall order; unleſs the party charged with ſuch offence make it appear to the ſatisfaction of the magiſtrate, that ſuch mixture or ingredients were not brought where the ſame were found with intent to have been put into any meal or flour, or to have adulterated the purity of any meal or flour, but was in the place where found for ſome other lawful purpoſe; and it ſhall be lawful for the magiſtrate before whom ſuch offender is convicted, out of the money forfeited when recovered, to cauſe the offender's name, place of abode and offence, to be publiſhed in ſome news paper printed in or near the county or place where ſuch offence is committed.

LII. *Sect.* 31. If any perſon wilfully obſtruct any ſearch herein before authorized, or the ſeizure of any bread, or of any ingredients found on ſuch ſearch, and deemed to have been lodged with intent to adulterate the purity of meal, flour, or bread, or wilfully reſiſt any ſuch ſearch, or the carrying away any ſuch ingredients, or any bread ſeized, as not being made purſuant to this act, he or ſhe ſo offending ſhall on being convicted forfeit for every offence ſuch ſum, not exceeding 5*l.* nor leſs than 20*s.* as the magiſtrate before whom ſuch offender is convicted ſhall order.

LIII. *Sect.* 32. No perſon concerned in the buſineſs of a miller, mealman or baker, ſhall be capable of acting as a magiſtrate or juſtice of peace, under this act, and if any miller, mealman or baker preſume ſo to do, he ſhall for every ſuch offence forfeit 50*l.* to any perſon who will inform or ſue; to be recovered in any court of record at *Weſtminſter*, by action of debt, *&c.* wherein no eſſoin, *&c.* ſhall be allowed, or by way of ſummary complaint before the court of ſeſſion in *Scotland*.

LIV. *Sect.* 33. If any perſon who follows the trade of a baker, ſhall make complaint to any magiſtrate or juſtice of peace, within their juriſdiction, and make appear to them, by the oath of any credible witneſs, that any offence, which ſuch baker has been charged with, and has incurred any penalty under this act, was occaſioned by the wilful neglect or default of any ſervant employed by ſuch baker, ſuch magiſtrate ſhall iſſue his warrant for bringing ſuch ſervant before him, or any magiſtrate or juſtice of the county or place, where the offender can be found; and on ſuch ſervant being apprehended and brought before any ſuch magiſtrate, and on proof of ſuch complaint upon oath, ſuch magiſtrate is by order under his hand to adjudge what ſum ſhall be paid by ſuch ſervant to his maſter or miſtreſs, by way of recompence for the money paid by reaſon of the wilful neglect or default of ſuch ſervant; and if ſuch ſervant neglect on conviction, to make immediate payment of the ſum which ſuch magiſtrate ſhall order him to pay, ſuch magiſtrate ſhall by warrant cauſe ſuch ſervant to be committed to the houſe of correction, or ſome other priſon of the county or place, in which ſuch ſervant is apprehended or convicted, to be there kept to hard labour for any time not exceeding one calendar month, as to ſuch magiſtrate ſeems reaſonable, unleſs payment be made of the money ordered before the expiration of the ſaid month.

LV. *Sect.* 34. It ſhall be lawful for the mayor of the city of *London*, or any alderman of the ſaid city, within the ſaid city or liberties thereof, and for any juſtice of peace within their reſpective juriſdictions, to hear and determine in a ſummary way, all offences againſt this act, and for that purpoſe to ſummon before any of them within their reſpective juriſdictions, any party accuſed; and in caſe the party accuſed appear not on ſuch ſummons, or offer ſome reaſonable excuſe for his default, then upon oath by any credible witneſs of any offence contrary to this act, any ſuch magiſtrate ſhall iſſue his warrant for apprehending the offender within the juriſdiction of ſuch magiſtrate: and upon the appearance of the party accuſed, or in caſe he appear not on notice given to or left for him at his uſual place of abode, or if he cannot be apprehended on a warrant granted againſt him as before directed, ſuch magiſtrate is to make inquiry touching the matters complained of, and to examine any witneſſes offered on either ſide on oath, and after hearing the parties and witneſſes, ſuch magiſtrate ſhall convict or acquit the party accuſed; and if the penalty on any ſuch conviction be not paid within 24 hours after conviction, ſuch magiſtrate ſhall iſſue a warrant directed to any peace officer within his juriſdiction, impowering him to make diſtreſs of the goods of the offender: and if any offender convey away his goods out of the juriſdiction of ſuch magiſtrate before whom he was convicted, or ſo much thereof that the penalty cannot be levied, then ſome magiſtrate within whoſe juriſdiction the offender has removed his goods, ſhall back the warrant; and thereupon the penalty forfeited ſhall be levied on the offender's goods by diſtreſs and ſale; and if within five days from the diſtreſs taken, the money forfeited be not paid, the goods ſeized ſhall be appraiſed and ſold, rendering the overplus (if any) after deducting the penalty and charges of the proſecution, diſtreſs and ſale, to the owner; which charges ſhall be aſcertained by the magiſtrate before whom ſuch offender is convicted, or by the magiſtrate or juſtice who backed the warrant, if either of them continue alive; and if not, by ſome other magiſtrate or juſtice of the county or place in which the offender is convicted; and for want of ſuch diſtreſs, ſuch magiſtrate within whoſe juriſdiction ſuch offender is, ſhall on the application of any proſecutor, and proof of the conviction and non-payment of the penalty and charges, by warrant commit ſuch offender to the common gaol or houſe of correction of the city, county or place where ſuch offender is found, for one calendar month, unleſs payment be made before the expiration of the ſaid month; and all ſuch penalties when recovered, ſhall be paid to the informer.

LVI. *Sect.* 35. If it be made out by the oath of any perſon to the ſatisfaction of any magiſtrate or juſtice, that any one within the juriſdiction of ſuch magiſtrate is likely to give material evidence on behalf of the proſecutor, or of the perſon accuſed, and will not voluntarily appear, ſuch magiſtrate ſhall iſſue his ſummons to convene ſuch witneſs before ſuch magiſtrate, at a time in ſuch ſummons fixed; and if any perſon ſo ſummoned neglect to appear, and no juſt excuſe be offered, then (after proof by oath of ſuch ſummons having been duly ſerved) ſuch magiſtrate is to iſſue his warrant to bring ſuch witneſs before him, and on the appearance of ſuch witneſs, ſuch magiſtrate is to examine upon oath ſuch witneſs: and if ſuch witneſs refuſe to be examined on oath, without offering any juſt excuſe, ſuch magiſtrate within his juriſdiction may by warrant commit any perſon ſo refuſing to be examined, to the public priſon of the county or place, for any time not exceeding fourteen days, nor leſs than three days.

LVII. *Sect.* 36. The magiſtrate or juſtice, before whom any perſon is convicted, ſhall cauſe ſuch conviction to be drawn up in the form or to the effect following, *viz.*

(To wit) *BE it remembered, That on this day of in the Year of the reign of* A. B. *is convicted before Majeſty's juſtices of the peace for the ſaid county of* or *for the riding* or *diviſion of the ſaid county of* or *for the city, liberty* or *town of* (as the caſe ſhall be) *for and do adjudge him, her* (or them) *to pay and forfeit for the ſame, the ſum of*

Given under the day and year aforeſaid.

LVIII. *Sect.* 37. No *certiorari*, letters of advocation or of ſuſpenſion ſhall be granted to remove any conviction or other proceedings thereon in purſuance of this act.

LIX. *Sect.* 38. If any perſon convicted of any offence puniſhable by this act, think himſelf aggrieved by the judgment of the magiſtrate or juſtice before whom he is convicted, ſuch perſon ſhall have liberty to appeal to the next general or quarter ſeſſions of the peace for the county or place where ſuch judgment was given, and the execution of the ſaid judgment ſhall be ſuſpended; the perſon ſo convicted, entering into a recognizance at the time of conviction, with two ſureties in double the ſum adjudged to be paid, upon condition to proſecute ſuch appeal with effect, and to be forthcoming to abide the judgment of the next general or quarter ſeſſions, which recognizance the magiſtrate or juſtice before whom ſuch conviction ſhall be is to take; and the juſtices in ſeſſions are finally to determine ſuch appeal, and to award coſts to be paid by either party: and if upon the appeal, the judgment of the magiſtrate before whom the appellant was convicted be affirmed, ſuch appellant ſhall immediately pay the ſum adjudged with ſuch coſts as the ſeſſions award; and in default of paying the ſame, any two ſuch juſtices, or any one magiſtrate or juſtice of peace, having juriſdiction in the place into which ſuch appellant eſcapes, or where he reſides, ſhall by warrant commit ſuch appellant to the common gaol of the county or place where he is apprehended, until he make payment of ſuch penalty and coſts to the informer; but if the appellant make good his appeal, coſts ſhall be awarded to the appellant againſt ſuch informer; which coſts may be recovered as coſts given at any general or quarter ſeſſions of the peace are recoverable,

LX. *Sect.* 39. If any ſuch conviction be made within ſix days before any general or quarter ſeſſions of the peace for the county or place where ſuch conviction is made, then the party who thinks himſelf aggrieved, ſhall on entering into a recognizance in manner before directed, be at liberty to appeal either to the then next or the next following general or quarter ſeſſions for ſuch county or place.

LXI. *Sect.* 40. Every action brought againſt any magiſtrate or juſtice, or any peace officer, for any thing done under this act, ſhall be commenced within ſix months after the fact, and ſhall be laid in the county or place where the matter in diſpute ariſes; and the 24 *Geo.* 2. *cap.* 44. ſo far as relates to the rendering the juſtices more ſafe in the execution of their office, ſhall extend to magiſtrates and juſtices of peace acting under this act; and no action ſhall be commenced againſt, nor any writ ſued out, or copy of any writ ſerved upon any peace officer for any thing done in the execution of this act, until ſeven days after a notice in writing given to or left for him at his uſual place of abode, by the attorney for the party intending to commence ſuch action; which notice ſhall contain the name and place of abode of the perſon intending to bring ſuch action, and of his attorney, and the cauſe of action: and any peace officer may by virtue of this act, at any time within ſeven days after ſuch notice, tender amends for the injury to the party complaining, or to the attorney named in ſuch notice; and if the ſame is not accepted of, the defendant may plead ſuch tender in bar, together with the general iſſue or any other plea, with leave of the court: and if upon iſſue joined on ſuch tender, the jury find the amends tendered to be ſufficient, they ſhall find a verdict for the defendant; or if the plaintiff be nonſuit, *&c.* or if any action be brought after the time limited by this act, or in any other county or place than as aforeſaid, the jury ſhall find for the defendant, and the defendant ſhall be intitled to his coſts; but if the jury find that no ſuch tender was made, or that the amends tendered were not ſufficient, or find againſt the defendant on any plea, they ſhall give a verdict for the plaintiff, and ſuch damages as they think proper, and the plaintiff ſhall recover his coſts.

LXII. *Sect.* 41. If any action be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue: and if a verdict be recorded for the defendant, *&c.* the defendant ſhall recover treble coſts.

LXIII. *Sect.* 42. No perſon ſhall be convicted in manner aforeſaid, for any of the before-mentioned offences, unleſs the proſecution be commenced within three days after the offence.

LXIV. *Sect.*

LXIV. *Sect.* 43. This act ſhall not prejudice any right or cuſtom of the city of *London*, or the practice there uſed, or any right or cuſtom of any lord of any leet, to ſet, inquire, and puniſh, the breach of aſſize of bread, within their reſpective leets or views of frank pledge, or the right of any clerk of the market in any place.

LXV. *Sect.* 44. This act ſhall not prejudice the ancient right or cuſtom of the dean of the collegiate church of ſaint *Peter*, *Weſtminſter*, or the high ſteward of the city of *Weſtminſter* and the Liberties thereof, or his deputy, or any of them, to ſet the aſſize and weight of bread to be ſold or expoſed to ſale within the ſaid city of *Weſtminſter* and the liberties thereof.

LXVI. *Sect.* 45. This act ſhall not prejudice the ancient right or cuſtom of the two univerſities of *Oxford* or *Cambridge*, or either of them, or of their clerks of the market, or the practice within the ſeveral jurisdictions of the ſaid univerſities, to ſet the aſſize and weight of bread to be ſold or expoſed to ſale within their ſeveral juriſdictions.

LXVII. **Stat.** 32 *Geo.* 2. *cap.* 18. *ſect.* 2. Such of the penalties payable by 31 *Geo.* 2. *cap.* 29. as by the ſaid act are not appropriated, ſhall be diſtributed, one moiety, where any offender is convicted either by confeſſion, or by the oath of witneſſes, to the informer; and the other moiety, and all penalties payable on the weighing, trying, or ſeizure of bread, by any magiſtrate, ſhall be applied for the better carrying into execution of the ſaid act, as any ſuch magiſtrate within his juriſdiction ſhall order.

Bridges.

CXXXVII. **Stat.** 14 *Geo.* 2. *cap.* 33. *ſect.* 1. The juſtices of the peace of any county, or diviſion, at their general ſeſſions, ſhall have power to purchaſe, of any perſon or bodies politic, any piece of land adjoining to any county bridge within the limits of their reſpective commiſſions, for enlarging or rebuilding the ſame; which pieces of land ſhall not exceed one acre for any ſuch bridge, and ſhall be paid for by the reſpective county treaſurers, out of monies raiſed by 12 *Geo.* 2. *cap.* 29 **County rates**, ſuch treaſurers being authorized by orders under the hands and ſeals of the juſtices at their general or quarter-ſeſſions; which lands ſo purchaſed, ſhall be conveyed to ſuch perſon as the ſaid juſtices ſhall appoint, in truſt and for the uſes of enlarging or rebuilding ſuch bridges.

CXXXVIII. **Stat.** 29 *Geo.* 2. *cap.* 40. *ſect.* 1. The mayor, aldermen and commons of the city of *London*, in common council aſſembled, ſhall agree for the purchaſing (if they can) of all houſes and buildings on *London* bridge or contiguous thereto (which do not belong to the city of *London*) which they ſhall judge neceſſary to be taken down for the enlargement of the paſſage over, and the avenues leading to and from the ſaid bridge; and upon payment of ſuch ſum as ſhall be agreed, and in caſe no agreement be made, on making ſatisfaction in manner herein after mentioned, to all perſons intereſted in ſuch houſes and buildings not belonging to the city of *London*, and in ground neceſſary to be laid to the ſaid bridge; the common council ſhall with all convenient ſpeed cauſe to be taken down all ſuch houſes and buildings, and alſo ſuch houſes and buildings on and contiguous to the ſaid bridge which belong to the city, as they ſhall deem proper to be taken down, and likewiſe widen one or more of the arches of the ſaid bridge, as they ſhall judge neceſſary.

CXXXIX. *Sect.* 2. The common council ſhall aſſign how and with what materials, the paſſage over and through the ſaid bridge ſhall be widened and rendered commodious, and how the ſame and the ſaid bridge ſhall be preſerved, and make contracts and do all things requiſite for effecting the purpoſes of this act.

CXL. *Sect.* 3. The paſſage over the ſaid bridge ſhall be ſecured by a balluſtrade on each ſide, and ſhall be 45 feet wide, if it will admit thereof, and the paſſage for carriages, horſes and other cattle, ſhall be 31 feet wide; and the foot-ways for paſſengers on each ſide ſeven feet wide.

CXLI. *Sect.*

CXLI. *Sect.* 4. A ſufficient number of glaſs lamps ſhall be put up in ſuch places of the ſaid bridge, as to the common council ſhall ſeem meet, and be kept lighted from ſun-ſetting to ſun-riſing throughout the year; and the common council ſhall, after any houſes on the ſaid bridge are taken down, appoint a number of watchmen upon the ſaid bridge, who ſhall be ſubject to ſuch rules as ſhall be made by the common council, and removeable at their pleaſure; and the expence of ſuch lamps, and of watching the bridge, ſhall be paid out of the eſtate and revenues belonging to the ſaid bridge.

CXLII. *Sect.* 5. If any perſon wilfully or maliciouſly break, throw down or extinguiſh any lamp ſet up to light the ſaid bridge, or wilfully damage the poſts, irons, or furniture thereof, being convicted by the oath of one witneſs before a juſtice of peace for the city of *London* or borough of *Southwark*, or county of *Surry*, as the caſe may happen, ſhall be ſubject to ſuch pains and penalties as are inflicted by 17 *Geo.* 2. *cap.* 29. *ſect.* 29.

CXLIII. *Sect.* 6. If any perſon unlawfully, wilfully and maliciouſly blow up, pull down or deſtroy the ſaid bridge or any part thereof, or remove, deſtroy or take away any works belonging thereto, or procure the ſame to be done, whereby the ſaid bridge or the works thereof ſhall be damaged, or the lives of paſſengers endangered, every ſuch offender being convicted ſhall be adjudged guilty of felony, and ſhall ſuffer as a felon.

CXLIV. *Sect.* 7. All timber, ſtones, bricks, tiles, ſlates, planks, iron, lead, glaſs, and all other materials belonging to the houſes and buildings taken down, ſhall be veſted in the mayor and commonalty and citizens of *London*; and the common council ſhall cauſe ſuch timber, *&c.* to be removed, and employ ſuch as they ſee fitting towards widening and rendering more commodious the paſſage over the ſaid bridge, and under the ſame, and what remains ſhall be employed towards reparation of the other eſtates belonging to the ſaid bridge-houſe, or ſhall be ſold, as they deem beſt, and the money ariſing by the ſale ſhall be applied to the purpoſes of this act.

CXLV. *Sect.* 8. It ſhall be lawful for all bodies politic, and all feoffees in truſt, executors, adminiſtrators, guardians or other truſtees, and for all femes covert, and every other perſon ſeiſed or intereſted in any houſes or grounds, to ſell ſuch houſes and ground to the ſaid mayor and commonalty and citizens and their ſucceſſors, or to ſuch perſons and their heirs as the common council ſhall direct, in truſt for the ſaid mayor and commonalty and citizens and their ſucceſſors, for the purpoſes of this act; and all contracts and conveyances ſo made, ſhall without any fine or recovery or other conveyance be good.

CXLVI. *Sect.* 9. If any body politic, femes covert or other perſon by this act impowered to ſell, refuſe to treat, or make not out a clear title, it ſhall be lawful for the court of mayor and aldermen to iſſue warrants to the ſheriffs of *London*, or to the bailiff of *Southwark*, to return 48 perſons qualified to ſerve on juries, out of whom a jury of twelve ſhall be drawn, in ſuch manner as juries for the trial of iſſues joined in the courts at *Weſtminſter* by 3 *Geo.* 2. *cap.* 25. are directed; which perſons ſo returned, are to come and appear before the court of mayor and aldermen if the premiſſes in diſpute lie in *London*; and if the premiſſes lie in *Surry*, before the juſtices of the borough of *Southwark*, at ſome general quarter-ſeſſions for the ſaid borough, or ſome adjournment thereof; and all perſons concerned ſhall have their challenges (but not challenge the array); and the court of mayor and aldermen or juſtices as aforeſaid, are by precept or order to call before them all witneſſes, and to examine them on oath touching the premiſſes, and authorize the ſaid jury to view the place in queſtion, and ſhall have power to adjourn ſuch meeting: and the ſaid jury upon their oaths, ſhall enquire of the value of ſuch houſes, ground and buildings neceſſary to be purchaſed, and of the reſpective intereſt of every perſon intereſted therein, and ſhall aſſeſs the ſums to be paid to every ſuch perſon for their eſtates; and the court of mayor and aldermen or juſtices as aforeſaid, ſhall give judgment for ſuch ſum ſo aſſeſſed; which verdict and the ſaid judgment (notice in writing being given to the perſon intereſted, 14 days before the time of ſuch aſſeſſment, declaring the time and place of the meeting of the ſaid court of mayor and aldermen, or juſtices and jury, by leaving ſuch notice at the dwelling-houſe of ſuch perſon, or at his uſual place of abode, or with ſome tenant or occupier of ſome of the ſaid houſes, ground

or buildings, in caſe ſuch party cannot be found) ſhall be binding againſt the King and all other perſons and bodies politic; and the ſaid verdicts, judgments and proceedings of the court of mayor and aldermen or juſtices as aforeſaid, and juries, ſhall be written on parchment, and ſigned and ſealed by the ſaid mayor; and ſuch verdicts, judgments and proceedings as relate to houſes, grounds and buildings in *London*, ſhall be entered in the town clerk's office of *London*; and ſuch as relate to houſes, grounds or buildings in *Surry*, ſhall be tranſmitted to the clerk of the peace of the ſaid county, and kept amongſt the records of the quarter ſeſſions; and the ſaid verdicts, judgments and proceedings ſhall be deemed records, and the ſame or ſome copy thereof, ſhall be good evidence in any court of law or equity, and all perſons may have recourſe to the ſame *gratis*, and take copies, paying for every copy not exceeding 200 words 6*d.* and ſo proportionably.

CXLVII. *Sect.* 10. Upon payment of ſuch ſum ſo aſſeſſed, the perſon to whom the ſame is decreed, ſhall execute conveyances to the ſaid mayor and commonalty and citizens, or to any perſon whom the common council appoint, and their heirs, in truſt for the ſaid mayor and commonalty and citizens, of ſuch houſes, ground and buildings, or of ſuch eſtate or intereſt for which ſuch ſum is ſo awarded; and in caſe ſuch perſon be not able to evidence their title and to make good conveyances, or refuſe ſo to do being required, and ſuch ſum tendered to be paid on their making ſuch title and executing ſuch conveyances; or if ſuch perſon cannot be found in the city or county where the houſes, ground and buildings lie; or by reaſon of diſputes in any court or for defect of evidence, it appear not to the common council what perſons are intitled; or if any mortgagee ſhall refuſe to take in his mortgage money after notice; in every ſuch caſe it ſhall be lawful for the court of mayor and aldermen to order the ſums ſo aſſeſſed or due on ſuch mortgage, to be paid into the bank of *England* for the uſe of the parties intereſted, to be paid to them according to their reſpective eſtates, as the court of mayor and aldermen ſhall by order direct: and the caſhier of the bank who ſhall receive ſuch ſum, is to give a receipt ſpecifying for what premiſſes and for what uſe the ſame is received, which receipt ſhall be entered on record, and regiſtered in ſuch place, and in ſuch manner as the verdict, judgment and proceedings: and on ſuch payment and regiſtry, all the eſtate of the perſons for whoſe uſe the ſame was paid, in ſuch houſes, ground and buildings, ſhall veſt in the ſaid mayor and commonalty and citizens, and they ſhall be deemed in law to be in poſſeſſion; and ſuch payment ſhall not only bar all right of the perſons to whoſe uſe ſuch payment was made, but alſo ſhall bar the dower of the wife of ſuch perſon, and all eſtates tail in reverſion or remainder againſt the iſſue of ſuch perſon, and every perſon claiming under them, as effectually as a fine or recovery.

CXLVIII. *Sect.* 11. It ſhall be lawful for the court of mayor and aldermen, after ſuch payment into the bank and regiſtry, at the petition of any perſon intereſted, to cauſe to be placed out, ſuch money or any part thereof, in ſome of the public funds, or on government ſecurities, at intereſt, in the name of any perſon appointed by the ſaid court, in truſt to transfer the ſame to ſuch perſon to whom the money ſo paid in belongs, on their executing proper conveyances, and in the mean time in truſt to pay the intereſts and dividends to ſuch perſon who was in poſſeſſion of the ſaid premiſſes at the time of the ſaid payment into the bank.

CXLIX. *Sect.* 12. Every perſon intitled to recover the meſne profits of the premiſſes, againſt the perſon in poſſeſſion, in caſe the ſame had not been ſo conveyed to the ſaid city, ſhall be intitled to recover ſuch intereſt and dividend, by action of debt againſt the perſon who receives the ſame; and the court of mayor and aldermen are to make ſuch order as aforeſaid, on the bank, for the payment of ſuch ſums or any part thereof, in order to their being ſo inveſted in public ſecurities; and the ſaid mayor and commonalty and citizens ſhall be quieted in the poſſeſſion of the houſes, ground and buildings, for which ſuch money ſhall be ſo paid, and ſhall not be accountable in any court of law or equity, for the money ſo depoſited and placed out, any otherwiſe than according to this act.

CL. *Sect.* 13. All mortgagees of any houſes and hereditaments, purchaſed in purſuance of this act, and their heirs, executors, adminiſtrators or aſſigns, on having ſix months notice in writing, ſhall on payment or tender of the principal and intereſt then

due, convey their reſpective eſtates and intereſts, to the ſaid mayor and commonalty and citizens, or ſuch perſon as the common council ſhall appoint, in truſt for the city; and if any mortgagee or their heirs, executors, adminiſtrators or aſſigns, refuſe ſo to do, all intereſt on ſuch mortgage, from the expiration of the ſaid ſix months after ſuch notice, ſhall ceaſe.

CLI. *Sect.* 14. In caſe the common council, or any perſon authorized by them, ſhall after any houſes or tenements are purchaſed, give 12 months notice in writing, to the tenants or occupiers who have no greater intereſt than as tenants at will, or as leſſees by parol for a year, or from year to year, to quit the poſſeſſion, ſuch tenants or occupiers ſhall, at the end of the ſaid 12 months, quietly deliver up poſſeſſion to the perſon appointed by the common council; and if any perſon refuſe to give up poſſeſſion, it ſhall be lawful for the court of mayor and aldermen, to iſſue a precept to the ſheriffs of *London*, if the premiſſes be within the ſaid city, and if in the county of *Surry*, to the bailiff of the borough of *Southwark*, to cauſe poſſeſſion to be delivered to the perſon in ſuch precept nominated; and the ſheriffs of *London*, if the premiſſes be within the ſaid city, and if within the county of *Surry*, the bailiff of the borough of *Southwark*, are to deliver poſſeſſion according to ſuch precept, and to levy ſuch coſts as ſhall accrue by means of the iſſuing and execution of every ſuch precept, by diſtreſs and ſale of the goods of any perſon neglecting to pay the ſame.

CLII. *Sect.* 15. It ſhall be lawful for the court of mayor and aldermen, or juſtices as aforeſaid, to impoſe any fine, not exceeding 10 *l.* on any ſheriff, or deputy, or bailiffs, or agents, making any default in the premiſſes, and on any perſons ſummoned and returned on any ſuch jury, not appearing, and on any witneſſes who ſhall not attend, or ſhall refuſe to be ſworn, or to give evidence, and on any perſons ſummoned and returned on ſuch jury, who ſhall refuſe to be ſworn, or ſhall not give their verdict, or ſhall in any other manner wilfully neglect their duty in the premiſſes; and to levy ſuch fines, by order of the court of mayor and aldermen, or juſtices, by diſtreſs and ſale of the offender's goods, together with the charges of ſuch diſtreſs and ſale, returning the overplus to the owner; and all ſuch fines ſhall be applied towards the purpoſes of this act.

CLIII. *Sect.* 16. The principal money ariſing from the ſale of any houſes and hereditaments, purchaſed for the purpoſes of this act, of any body corporate, feoffees in truſt, guardians, committees, or other truſtees, or from any feme coverts, ſhall be paid to ſuch perſons as they ſhall reſpectively nominate, in truſt to be reveſted in the purchaſe of other meſſuages and hereditaments, to be ſettled and ſubject to the like uſes, truſts, limitations, remainders and contingencies, as the houſes, and hereditaments purchaſed from them reſpectively, were ſettled at the time of purchaſing of the ſame, or ſo many thereof as ſhall be exiſting, and capable of taking effect.

CLIV. *Sect.* 17. After the houſes intended to be taken down ſhall be taken down, the ground on which the ſame now ſtand ſhall lie open, and be a public highway for ever; and no houſe or other building ſhall be erected on the ſaid bridge (except ſuch gates and toll-houſes as are herein directed) and all carriages paſſing over the ſaid bridge from *London*, ſhall go on the eaſt ſide, and paſſing to *London* on the weſt ſide as near as may be; and no coachman or driver ſhall ſtand or ply for hire with any coach or other carriage upon the ſaid bridge, or leave any empty coach or carriage there; and no carman or driver of any carriage, ſhall wilfully remain with any cart or other carriage, on the ſaid bridge, longer than ſhall be neceſſary for going over the ſame, or leave any empty cart, or other carriage upon the ſaid bridge; and no perſon ſhall put any filth or rubbiſh on the ſaid bridge, or do any act which may be an annoyance there; and if any coachman or driver offend herein, or any perſon annoy any part of the ſaid bridge, it ſhall be lawful for any perſon to take ſuch perſon ſo offending before the mayor of *London*, or ſome other juſtice of peace for the ſaid city, or before ſome juſtice of peace for the borough of *Southwark*, or for the county of *Surry*; and every ſuch offender being convicted by the oath of one witneſs, or by confeſſion, ſhall for every ſuch offence forfeit a ſum not exceeding 20 *s.* nor leſs than 2 *s.* and 6 *d.* to be applied between the parties informing and apprehending ſuch offender, as the mayor or juſtice before whom the party is convicted ſhall direct; and in default of immediate payment, the offender ſhall be committed, if in *London*, to the *London* workhouſe, and if in *Surry*, to a

houſe

houſe of correction for the ſaid county, to hard labour for any time not exceeding three days, as the mayor or ſuch juſtice ſhall order, or until he pay the money directed to be paid.

CLV. *Sect.* 18. Immediately after the pulling down any tenements on, or contiguous to the ſaid bridge, in the pariſh of Saint *Magnus*, all tithes now payable to the rector of the united pariſhes of Saint *Magnus* and Saint *Margaret*, *New Fiſhſtreet*, from ſuch tenements, ſhall be for ever charged on the lands and hereditaments belonging to or in the account of the bridge-houſe of the city of *London*; and immediately after the pulling down any tenements on or contiguous to the ſaid bridge, in the pariſh of Saint *Olave*, *Southwark*, all cuſtomary payment in lieu of tithes now payable to the rector of Saint *Olave* in *Southwark*, from ſuch tenements, or the occupiers thereof, ſhall for ever be charged upon the lands and hereditaments belonging to or in the account of the bridge-houſe eſtate of the city of *London*; and all ſums payable as aforeſaid, in lieu of tithes, ſhall be paid to the rectors of the ſaid pariſhes of Saint *Magnus* and Saint *Margaret*, *New Fiſhſtreet*, and Saint *Olave* in *Southwark* reſpectively, for ever, clear of all taxes and deductions by the ſaid mayor commonalty and citizens of *London*, or ſuch perſon as the common council ſhall appoint, out of the rents of the ſaid bridge-houſe eſtates, at *Lady-day* and *Michaelmas* by equal payments in every year; the firſt payment to begin on ſuch of the feaſt days as ſhall firſt happen after the pulling down any ſuch tenements; and the yearly ſum of 7*l.* 15*s.* and 1*d.* ſhall be likewiſe paid out of the ſaid bridge-houſe eſtate to *Robert Gibſon*, during the time he ſhall continue rector of the pariſhes of Saint *Magnus* and Saint *Margaret*, from the pulling down the ſaid houſes in lieu of ſurplice fees and *Eaſter* offerings, clear of taxes; and the yearly ſum of 4*l.* 11*s.* and 4*d.* ſhall be paid out of the ſaid bridge-houſe eſtate to *Simon Hughes* rector of the pariſh of Saint *Olave*, in lieu of ſurplice fees and *Eaſter* offerings, clear of all taxes, during ſuch time as he ſhall continue rector of the ſaid pariſh.

CLVI. *Sect.* 19. Such ſhare which any houſe (now ſtanding on the ſaid bridge, or contiguous thereto, which ſhall be pulled down) uſed to contribute towards the *quota* of the land-tax aſſeſſed upon the ſaid pariſhes, ſhall after the pulling down of ſuch houſe, be for ever paid to the collector authorized to receive the ſame, by the mayor commonalty and citizens of *London*, out of the revenues belonging to the ſaid bridge; and there ſhall likewiſe be paid out of the ſaid revenues to the overſeers of the poor of the ſaid pariſhes of Saint *Magnus* and Saint *Olave's* reſpectively, towards the relief of the poor yearly, all ſuch ſums as the ſaid pariſhes ſhall be chargeable with on account of any perſons who have gained or ſhall gain any ſettlement, or become chargeable in either of the ſaid pariſhes, on account of ſuch part of the ſaid pariſhes wherein the houſes which ſhall be pulled down now ſtand.

CLVII. *Sect.* 20. And whereas by 10 *Geo.* 2. *cap.* 18. *for rebuilding the church of the ſaid pariſh of Saint* Olave, all lands and hereditaments, within the ſaid pariſh, were charged with aſſeſſments, and the ſaid pariſh church is not yet finiſhed, and there remain ſeveral debts unpaid, and ſeveral of the houſes charged with the ſaid aſſeſſment will be taken down, whereby the ſaid pariſh will loſe the aſſeſſments charged thereon; be it enacted, that the mayor and commonalty and citizens of *London*, ſhall out of the rents of the ſaid bride-houſe eſtate, pay to the churchwardens of the ſaid pariſh of Saint *Olave*, all ſuch rates as might be chargeable upon the ſaid houſes ſo taken down.

CLVIII. *Sect.* 21. Nothing in this act ſhall impower the common council to alter any of the arches under the ſaid bridge, or any engines fixed therein, which belong to the proprietors of the *London Bridge* water-works, or to take away any right which the ſaid proprietors have to the uſe of any of the arches of the ſaid bridge, by grant or leaſe from the city of *London*, for raiſing water therefrom.

CLIX. *Sect.* 22. If for the enlarging the ſaid bridge, or any of the arches thereof, the common council cauſe to be amoved any of the leaden pipes which belong to the proprietors of the *London Bridge* water-works, and now lie on or contiguous to the ſaid bridge, the ſaid proprietors ſhall have liberty, at their coſts, to place in lieu of ſuch pipes ſo amoved, other lead or iron pipes upon and over ſuch parts of the ſaid bridge, and contiguous thereto, as ſhall be agreed on between them and the common council; and until the pipes which now lie on or contiguous to the ſaid bridge be amoved, the

ſaid proprietors may repair the ſame; and after the amoval may repair all other lead or iron pipes which ſhall then be placed on or contiguous to the ſaid bridge, ſo as by the doing thereof the ſaid bridge be not prejudiced, and ſo as the proprietors of the ſaid *London Bridge* water-works make good all damage done to the ſaid bridge by the taking up or repairing ſuch pipes.

CLX. *Sect.* 23. If it be found neceſſary to take down or alter any of the piers of the ſaid bridge, to enlarge any of the arches, and thereby the raiſing of water by the ſaid works be prejudiced; the common council, ſhall on proof of ſuch damage, ſtop a like body of water as ſhall be diſcharged by the altering any of the ſaid piers, for uſe of the proprietors of the ſaid water-works.

CLXI. *Sect.* 29. The owner of every hoy, barge, veſſel, lighter, or other craft, (other than ſuch craſts as ſhall be loaded only with ſtraw, manure, dung, compoſt, or lime, to be uſed in tillage) which ſhall paſs with goods on board, through the ſaid bridge, ſhall cauſe his name and place of abode, together with the tonnage of ſuch hoy, *&c.* to be painted on ſome conſpicuous part thereof; and the owner of every ſuch hoy, *&c.* (except as aforeſaid) who ſhall omit ſo to do, ſhall (over and beſides the toll before appointed, and the penalty in caſe of nonpayment) forfeit 20*s.* every time ſuch hoy, *&c.* (other than ſuch as are before excepted) ſhall paſs with goods on board through the ſaid bridge, without having the name and place of abode of the owner painted thereon, as alſo the tonnage; and every ſuch forfeiture ſhall be paid on conviction by confeſſion, or on the oath of one witneſs, before any juſtice of peace of the city or place where ſuch owner lives, or is found, to the informer, and on the offender neglecting to pay the money forfeited, the ſame ſhall be levied by diſtreſs and ſale of goods, rendering to the owner the overplus, after the charges of diſtreſs and ſale are paid. Qu. *If this clauſe be in force ſince the tolls were taken away by* 31 Geo. 2. cap. 20. ſect. 2.

CLXII. *Sect.* 34. It ſhall be lawful for the common council to appoint a clerk or clerks, and other officers for the execution of the powers hereby veſted in them, which clerks ſhall keep entries of all things done in purſuance of this act: and to appoint receivers of the tolls [*taken away by* 31 Geo. 2. cap. 20. ſect. 2.] who ſhall give ſecurity, and ſhall upon oath (if required by the court of mayor and aldermen) give in an account of all money received and diſburſed by virtue of this act. And the common council ſhall make reaſonable allowances unto all officers employed by them.

CLXIII. *Sect.* 35. Every receiver of any money payable by this act ſhall pay the money he ſhall receive into the chamber of *London* as he ſhall receive the ſame, ſo as never to have above 50*l.* in his hands for 10 days; under the penalty of 5*l.* for every offence of which he ſhall be convicted before the mayor or any juſtice of the city of *London*, by oath of one witneſs or confeſſion, to be levied by diſtreſs and ſale, and applied to the uſes of this act.

CLXIV. *Sect.* 36. The chamberlain of *London* or his clerks ſhall give receipts for all money paid into the chamber of *London*, in purſuance of this act, without fee: and ſhall ſo far as the ſame money will extend, pay all ſums ordered to be paid by the common council for any thing payable by virtue of this act.

CLXV. *Sect.* 37. There ſhall be kept by the chamberlain books in which all the receipts and diſburſements ariſing by this act ſhall be entered, expreſſing the times when and the names of the perſons from and by whom the ſame were received, and to whom and for what uſes diſburſed: and an account of ſuch receipts and payments ſhall be ſtated and ſigned by the chamberlain once a year, and delivered to the common council, who ſhall audit the ſame; and the chamberlain ſhall yearly lay before each houſe of parliament a copy of ſuch account or an abſtract thereof within 20 days after the opening of every ſeſſion.

CLXVI. *Sect.* 38. All the powers given by this act to the common council may be exerciſed by any committee appointed by the ſaid common council, for putting in execution this act, or performing any matters hereby directed, according to the authorities which from time to time, by the ſaid common council, ſhall be delegated to ſuch committee.

CLXVII. *Sect.* 39. No order made by any juſtice by virtue of this act, or other proceedings touching the conviction of any offender, ſhall be quaſhed for want of form only;

only; or be removed by *certiorari* or any other proceſs into any court of record at *Weſtminſter*.

CLXVIII. *Sect.* 40. In caſe any perſon think himſelf aggrieved by any orders or proceedings of any juſtices of peace under this act, it ſhall be lawful for ſuch perſon to appeal to the next general quater-ſeſſions of the peace for the county, city or borough, in which any warrant is ſo granted, or order made; and ſuch general quarter-ſeſſions are finally to determine every ſuch appeal, and award to the party for whom ſuch appeal is determined reaſonable coſts, and levy by their order or warrants ſuch coſts by diſtreſs and ſale of goods.

CLXIX. *Sect.* 41. All the charges of obtaining this act ſhall, as ſoon as may be, be paid out of the money to be raiſed by virtue thereof.

CLXX. *Sect.* 43. If any action be brought for any thing done in purſuance of this act, ſuch action ſhall be brought within ſix months after the fact, and be brought in the city of *London* or county of *Surry*; and the defendant may plead the general iſſue, and if the plaintiff be nonſuited, *&c.* the defendant ſhall have treble coſts.

CLXXI. *Sect.* 44. This act ſhall be deemed a public act.

CLXXII. **Stat.** 31 *Geo.* 2. *cap.* 20. *ſect.* 1. Out of the ſupplies granted for the year 1758, there ſhall be paid into the chamber of *London* 15,000 *l.* without account, to be applied for rebuilding *London* bridge.

CLXXIII. *Sect.* 2. The tolls made payable by 29 *Geo.* 2. *cap.* 40. ſhall continue until the 24th of *June* 1758, and no longer.

CLXXIV. *Sect.* 3. The charges of obtaining this act ſhall be paid out of any money raiſed by virtue of the former and this act.

CLXXV. *Sect.* 4. All the powers, clauſes and things contained in the former act, except ſuch as are hereby diſcontinued or altered, ſhall remain and be executed as well for the purpoſes of this act, as of the former act.

CLXXVI. *Sect.* 5. This act ſhall commence from the 21st of *April* 1758.

CLXXVII. *Sect.* 6. If any perſon unlawfully, wilfully and maliciouſly ſet fire to, burn, blow up, pull down, or deſtroy the ſaid bridge or any part thereof, or any works or buildings belonging thereto, or procure the ſame to be done, every ſuch offender being convicted ſhall be deemed guilty of felony, and ſuffer death.

CLXXVIII. *Sect.* 7. The chamberlain of *London* ſhall lay an account of the application as well of the ſaid ſum of 15,000 *l.* as of all other monies received by virtue of this and the former act, before both houſes of parliament, within 20 days next after the opening of every ſeſſion of parliament, as is directed by the former act.

CLXXIX. *Sect.* 8. If any action be brought for any thing done in purſuance of this act, or in relation to the premiſſes, ſuch action ſhall be brought within ſix months after the fact, and be laid in the city of *London* or county of *Surry*, and the defendant may plead the general iſſue, and if the plaintiff be nonſuited, *&c.* the defendant ſhall have treble coſts.

CLXXX. *Sect.* 9. This act ſhall be deemed a public act.

Brokers and ſtock-jobbers.

XL. **Stat.** 14 *Geo.* 2. *cap.* 37. *ſect.* 1. Whereas perſons have publiſhed in *America*, a ſcheme for ſupplying a pretended want of a medium in trade, by ſetting up a bank on land ſecurity, ſubſcribers to which were to promiſe to receive bills as money, and after 20 years, to pay the poſſeſſor the value thereof in manufactures; and other ſchemes, and partnerſhips, have been ſet on foot in *America*, for raiſing public ſtocks or banks, and unlawfully iſſuing notes; and doubts have ariſen, whether the act 6 *Geo.* 1. *cap.* 18. doth extend to the plantations in *America*, in regard that informations or indictments and actions againſt offenders were appointed to be heard in ſome court at *Weſtminſter*, or in *Edinburgh*, or in *Dublin*; be it enacted that the ſaid act did and ſhall extend to all the public and unwarrantable practices before mentioned, and did and ſhall extend to all his Majeſty's plantations in *America*; and

 that

that all the undertakings in the ſaid act prohibited, and all the undertakings herein before mentioned, are illegal and void in his Majeſty's plantations in *America* alſo, and ſhall not there be practiſed; and that all offenders againſt the ſaid or this act, being convicted upon information or indictment in any court of record in any of his Majeſty's plantations in *America*, ſhall be liable to the like fines and puniſhments, whereunto perſons convicted in *Great Britain* for public nuſances are liable; and ſhall incur any further penalties, as were ordained by the ſtatute of proviſion and premunire, 16 *R.* 2. *cap.* 5. and that if any perſon hath or ſhall ſuffer any damage by means of any undertaking carried on in *America*, and by this or the ſaid act declared to be illegal, and will ſue to be relieved therein, ſuch perſon ſhall have his remedy by any action grounded upon this act, againſt any of the perſons engaged in any ſuch unlawful undertaking; and every ſuch action for what hath been or ſhall be done in *America* ſhall be heard in any court of record within any of the plantations in *America*; and in every ſuch action the plaintiff (in caſe he recover) ſhall recover treble damages with coſts.

XLI. *Sect.* 2. Every perſon poſſeſſed of or intitled to any promiſſory note, iſſued by any ſuch ſocieties or companies in *America*, ſhall commence at any time hereafter his action in any court of record in any of the plantations in *America*, againſt the perſons or companies who have or ſhall iſſue ſuch notes, or againſt any one or more of them, who have been within ſix years laſt paſt or ſhall be engaged in any ſuch unlawful undertaking, or who ſigned ſuch note, in order to recover preſent payment in money of the ſum mentioned in ſuch note, to which payment every ſuch perſon is hereby declared to be perſonally liable; and in ſuch actions the plaintiff ſhall have judgment for immediate payment by the defendant in money, of the full ſum mentioned in ſuch note, together with lawful intereſt for the ſame, from the date of ſuch note with coſts, although the time limited for payment according to the tenor of ſuch note be not then come.

XLII. *Sect.* 3. Nothing herein ſhall inflict any of the penalties or treble damages aforeſaid, upon any perſon who hath attempted or carried on in *America* any of the things declared to be illegal and void by this or the ſaid act, if ſuch perſon within 10 days after demand pay ſuch ſum of money ſecured by ſuch note; and forbear to act further directly or indirectly in any ſuch matter on or before the 29th of *September* 1741.

XLIII. Stat. 30 *Geo.* 2. *cap.* 24. *ſect.* 2. If any perſon knowingly and deſignedly pawn or exchange, or unlawfully diſpoſe of the goods of any other perſon, not being employed or authorized by the owner, and be convicted by the oath of any credible witneſs, or by confeſſion before any juſtice of peace, every ſuch offender ſhall for every ſuch offence forfeit 20 *s.* and in caſe the ſaid forfeiture be not forthwith paid, the juſtice before whom ſuch conviction is had ſhall commit the party convicted to the houſe of correction, or ſome other public priſon of the county or place wherein the offender reſides or is convicted, to be kept to hard labour for 14 days, unleſs the forfeiture be ſooner paid; and if within three days before the expiration of the ſaid 14 days, the forfeiture be not paid, the juſtice is to order, upon the application of the proſecutor, the perſon ſo convicted to be publicly whipped in the houſe of correction or priſon to which he is committed, or in ſome open public place of the city or place wherein the offence is committed; and the ſaid forfeitures ſhall be applied towards making ſatisfaction to the party injured, and defraying the coſts of proſecution, as ſhall be adjudged reaſonable by the juſtice; but if the party injured decline to accept of ſuch ſatisfaction and coſts, or if there be any overplus, ſuch forfeitures or overplus ſhall be applied to the uſe of the poor of the pariſh or place where the offence is committed, and ſhall be paid to the overſeers of the poor of ſuch pariſh.

XLIV. *Sect.* 4. Every perſon who ſhall take by way of pawn, pledge or exchange, any goods, ſhall forthwith cauſe to be entered in a regular manner in a book a deſcription of the goods which he receives in pawn, *&c.* and the ſum advanced or paid thereon, with the day of the month and year on which, and the name and place of abode of the perſon by whom ſuch goods were ſo pawned, *&c.* and the name and place of abode of the owner, according to the information of the perſon pawning,

pawning, &c. the ſame; and ſhall at the ſame time give a copy thereof to the perſon ſo pawning, &c. if required; for which the perſon giving ſuch copy ſhall be paid by the perſon pawning, &c. one halfpenny on goods pawned for leſs than 20 *s.* and one penny on goods pawned for 20 *s.* and not exceeding 5 *l.* and for every ſuch duplicate upon goods pawned for any larger ſum, two pence; and in default of making ſuch entry and giving ſuch duplicate if required, he or ſhe ſhall for every offence forfeit 5 *l.* to be levied by diſtreſs and ſale of goods, by warrant of any juſtice of peace of the county or place where the offence is committed; which forfeitures ſhall be applied to the uſe of the poor of the pariſh or place wherein the offence is committed.

XLV. *Sect.* 5. If in the courſe of any of the aforeſaid proceedings before any juſtice of peace under this act, it appear to the ſatisfaction of the juſtice upon oath or ſolemn affirmation, that any of the goods pawned are become of leſs value than the ſame were at the time of pawning through the default, neglect, or wilful miſbehaviour of the perſon to whom the ſame were pawned, his executors, adminiſtrators or aſſigns, or ſervants, ſuch juſtice is to award ſatisfaction to the owner in reſpect of ſuch damage; and the ſum ſo awarded ſhall be deducted out of the principal and intereſt and allowance for warehouſe-room, appearing due to any perſon to whom the ſame were ſo pawned, his executors, &c. and where the goods pawned are damaged, it ſhall be ſufficient for the pawner, his executors, &c. to pay or tender the money upon the balance, after deducting out of the principal and intereſt and money payable for warehouſe-room, ſuch ſatisfaction in reſpect to ſuch damage as ſuch juſtice ſhall order, and upon ſo doing the juſtice ſhall proceed as if the pawner, his executors, &c. had paid or tendered the whole money due for the principal intereſt and warehouſe-room.

XLVI. *Sect.* 6. If any perſon knowingly buy or take in as a pledge any linen or apparel, intruſted to any other perſon to waſh, ſcour, iron, mend, or make up, and be convicted of the ſame, on the oath of one witneſs, or on confeſſion before a juſtice, ſuch perſon ſhall forfeit double the ſum given for or lent on the ſame, to be paid to the poor of the pariſh where the offence is committed, to be recovered as other forfeitures by this act; and ſhall reſtore the ſaid goods to the owner in the preſence of the juſtice.

XLVII. *Sect.* 7. In caſe any perſon who ſhall offer by way of pawn, pledge, exchange or ſale, any goods, be not able or refuſe to give a ſatisfactory account of himſelf, or of the means by which he became poſſeſſed of ſuch goods, or if there be reaſon to ſuſpect that ſuch goods are ſtolen or illegally or clandeſtinely obtained; it ſhall be lawful for any perſon to whom ſuch goods are ſo offered, or his ſervants, to ſeize and detain ſuch perſon and the goods, and to deliver ſuch perſon, as ſoon as may be, to the conſtable or other peace officer, who ſhall immediately convey ſuch perſon and the goods before ſome juſtice of peace of the county or place wherein the offence is committed; and if ſuch juſtice upon examination ſuſpect that the goods were ſtolen, or illegally or clandeſtinely obtained, it ſhall be lawful for ſuch juſtice to commit ſuch perſon into ſafe cuſtody, for any time not exceeding ſix days, to be further examined; and if upon either of the ſaid examinations it appear to ſuch juſtice that the goods were ſtolen or illegally or clandeſtinely obtained, the juſtice is to commit the party offending to the common gaol or houſe of correction of the county or place wherein the offence is committed, there to be dealt with according to law.

XLVIII. *Sect.* 8. In caſe ſuch goods ſo ſeized and detained, afterwards appear to be the property of the perſon who offered the ſame to be pawned, pledged, exchanged or ſold, or that he was authorized by the owner to pawn, &c. the ſame, then the perſon who ſhall ſo ſeize or detain the party who offered the ſaid goods, ſhall be by this act indemnified for having ſo done.

XLIX. *Sect.* 9. If the owner of any goods unlawfully pawned, pledged or exchanged, make out either on his oath, or by the oath of any witneſs, or (being a quaker) by affirmation before any juſtice of peace, that ſuch owner has had his goods unlawfully obtained from him, and that there is cauſe to ſuſpect that any perſon within the juriſdiction of ſuch juſtice hath knowingly and unlawfully taken to pawn or in exchange any goods of ſuch owner, and without the privity of or authority

from

from ſuch owner, and make appear to ſuch juſtice, probable grounds for ſuch ſuſpicion; then any juſtice of peace within his juriſdiction may iſſue his warrant for ſearching in the day-time the houſe or other place of any ſuch perſon charged as aforeſaid. And if the occupier of any houſe, *&c.* wherein ſuch goods are charged to be, on requeſt to open the ſame by any peace officer authorized to ſearch, refuſe to open the ſame, and permit the ſame to be ſearched, it ſhall be lawful for ſuch peace officer to break open ſuch houſe, *&c.* in the day-time, and to ſearch for the goods ſuſpected to be there, doing no wilful damage; and if any perſon oppoſe ſuch ſearch, and be thereof convicted before any juſtice by the oath of one witneſs, every perſon ſo offending ſhall forfeit for every ſuch offence 5 *l.* and in caſe ſuch forfeiture be not paid within 24 hours, the juſtice ſhall commit the party convicted to the houſe of correction, or ſome other public priſon of ſuch county or place, to be kept to hard labour for any time not exceeding one month, nor leſs than five days, unleſs in the mean time ſuch forfeiture be paid; and ſuch forfeiture ſhall be applied to the uſe of the poor of the pariſh wherein ſuch offence is committed; and if upon the ſearch of the houſe, *&c.* of ſuch ſuſpected perſon, any of the goods ſo knowingly and unlawfully pawned, pledged or exchanged, be found, and the property of the owner from whom the ſame were unlawfully obtained be made out to the ſatisfaction of ſuch juſtice, by the oath of one witneſs, or (if ſuch witneſs be a quaker) by affirmation, or by the confeſſion of the perſon charged with ſuch offence, ſuch juſtice ſhall cauſe the goods found on ſuch ſearch, and unlawfully pawned, *&c.* to be reſtored to the owner.

L. *Sect.* 10. If any goods or chattles be pawned for ſecuring any money lent thereon, not exceeding in the whole the principal ſum of 10 *l.* and intereſt; and if within two years after the pawning, proof being made on oath by one witneſs, or by producing a duplicate of the entry, before any juſtice (or by affirmation, if the perſon be a quaker) of the pawning ſuch goods within the ſaid two years, any ſuch pawner who was the owner of ſuch goods at the time of pawning, tender unto the perſon who lent on the ſecurity of the goods pawned, the principal money borrowed thereon and all intereſt, with the charges for warehouſe-room agreed on at the time of pawning; and the perſon who took ſuch goods in pawn, neglect to deliver back the goods ſo pawned to the perſon who borrowed the money thereon; on oath (or, if a quaker, on affirmation) by the pawner or ſome other perſon, any juſtice of peace of the county where the perſon who took ſuch pawn dwells, on application of the borrower, is to cauſe ſuch perſon who took ſuch pawn within the juriſdiction of the juſtice, to come before ſuch juſtice: and ſuch juſtice is to examine on oath or affirmation the parties and ſuch other perſons as appear, touching the premiſſes: and if tender of the principal money due and intereſt with charges for warehouſe-room be proved to have been made (ſuch principal money not exceeding 10 *l.*) to the lender, by the borrower, within the two years after the pawning; then on payment by the borrower of ſuch principal money and intereſt with charges for warehouſe-room, to the lender, and in caſe the lender refuſe to accept thereof on tender before ſuch juſtice; ſuch juſtice ſhall by order under his hand direct the goods ſo pawned forthwith to be delivered to the pawner, his executors, *&c.* And if the perſon who lent any money, not exceeding in the whole 10 *l.* on any goods pawned, his executors, *&c.* neglect to deliver up or make ſatisfaction for the goods proved to have been ſo pawned, as ſuch juſtice ſhall order; ſuch juſtice ſhall commit the party ſo refuſing to deliver up or make ſatisfaction, to the houſe of correction, or ſome other public priſon of the county or place wherein the offender reſides or is convicted; until he deliver up the goods ſo pawned and continuing redeemable, or make ſatisfaction for the value to the party intitled to the redemption of ſuch goods.

LI. *Sect.* 11. If any pawn of goods, made by or for the proprietor, remain unredeemed for two years, every ſuch pawn ſhall be forfeited; and it ſhall be lawful for every ſuch perſon to whom ſuch goods have been pawned to ſell the ſame; ſubject to account for the overplus of the produce of ſuch goods, as by this act is directed.

LII. *Sect.* 12. Every perſon to whom any goods are pawned ſhall enter in a book an account of the ſale of all goods pawned for 2 *l.* or upwards, ſold by ſuch perſon; expreſſing the day when, the money for which, and the name and place of abode of the perſon to whom, ſuch goods pawned were ſold; and in caſe ſuch goods be ſold

for more than the principal money with intereſt and the charge of warehouſe-room due at the time of ſale, the overplus ſhall be paid on demand to the perſon on whoſe account ſuch goods were pawned, his executors, *&c.* And ſuch perſon who pawned ſuch goods, his executors, *&c.* ſhall be permitted to inſpect the entry of every ſuch ſale, paying for ſuch inſpection 1*d.* And in caſe any perſon refuſe to permit ſuch perſon who pawned ſuch goods to inſpect ſuch entry, ſuch perſon if an executor, adminiſtrator or aſſignee, producing his letters teſtamentary, letters of adminiſtration or aſſignment; or in caſe the goods were ſold for more than the ſum entered; or if any ſuch perſon make not ſuch entry, or have not *bona fide* ſold the goods pawned for the beſt price that he might have had without wilful default; or refuſe to pay ſuch overplus upon demand to the pawner, his executors, *&c.* every perſon ſo offending ſhall for every offence forfeit treble the value of ſuch goods, to the perſon on whoſe account ſuch goods were pawned, his executors, *&c.* to be recovered by action of debt, *&c.* in any court of record at *Weſtminſter.*

LIII. *Sect.* 13. No fee or gratuity ſhall be taken for any ſummons or warrant granted by any juſtice of peace in purſuance of this act, ſo far as the ſame relates to goods pawned, pledged, taken in exchange or unlawfully diſpoſed of.

By ſect. 18. *inhabitants of the pariſh,* &c. *are allowed to be witneſſes. See the reſt of this act in* **Plays and Games.**

Calendar.

I. **Stat.** 24 *Geo.* 2. *cap.* 23. *ſect.* 1. Throughout all his Majeſty's dominions in *Europe*, *Aſia*, *Africa* and *America*, ſubject to the crown of *Great Britain*, the ſupputation according to which the year of our lord beginneth on the 25th of *March* ſhall not be made uſe of after the laſt day of *December* 1751, and the firſt of *January* next following the ſaid laſt day of *December* ſhall be deemed the firſt day of the year of our lord 1752, and ſo on, the firſt of *January* in every year ſhall be deemed the firſt day of the year. And after the ſaid firſt of *January* 1752, the days of each month ſhall be reckoned in the ſame order; and the feaſt of *Eaſter*, and other moveable feaſts thereon depending, be aſcertained according to the ſame method, as they now are, until the ſecond of *September* in the ſaid year 1752 incluſive; and the natural day next immediately following the ſaid ſecond of *September*, ſhall be called the 14th day of *September* omitting for that time only the 11 intermediate nominal days of the common calendar; and the natural days following the ſaid 14th of *September*, ſhall be numbered forwards in numerical order from the ſaid 14th of *September*, according to the order now uſed in the preſent calendar; and all acts, deeds, writings, notes, and other inſtruments executed or ſigned, upon or after the ſaid firſt of *January* 1752, ſhall bear date according to the ſaid new method of ſupputation; and the two fixed terms of Saint *Hilary* and Saint *Michael*, in *England*, and the courts of great ſeſſions in the counties palatine, and in *Wales*, and the courts of the general quarter-ſeſſions and general ſeſſions of the peace, and all other courts, and all meetings of any bodies politic, which by law or uſage within this kingdom, or the dominions ſubject to the crown of *Great Britain*, are to be holden on any fixed day of any month, or on any day depending upon any certain day of any month (except ſuch courts as are uſually holden with fairs or marts) ſhall after the ſaid ſecond of *September* be holden upon the ſame reſpective nominal days, whereon or according to which the ſame are now to be holden, but which ſhall be computed according to the new method.

II. *Sect.* 2. The years 1800, 1900, 2100, 2200, 2300, or any 100th years of our lord, except only every fourth 100th year, whereof the year 2000 ſhall be the firſt, ſhall not be biſſextile or leap years, but ſhall be common years, conſiſting of 365 days, and no more; and the years of our lord 2000, 2400, 2800, and every other fourth 100th year of our lord, from the year 2000 incluſive, and all other years of our lord, which by the preſent ſupputation are biſſextile or leap years, ſhall be biſſextile or leap years, conſiſting of 366 days.

III. *Sect.* 3. The feaſt of *Eaſter*, or any of the moveable feaſts thereon depending, ſhall be no longer obſerved in *England*, or the dominions belonging to the crown of *Great Britain*, according to the method of ſupputation now uſed, or the table prefixed to the book of common prayer; and the ſaid table, and alſo the column of golden numbers, as they are now prefixed to the reſpective days of the month, ſhall be left out in all future editions of the book of common prayer; and the new calendar, tables and rules hereunto annexed, ſhall be prefixed to all ſuch future editions of the ſaid book: and all the fixed feaſt-days, holy-days and faſt-days, now obſerved by the church of *England*, and alſo the ſeveral ſolemn days of thankſgiving, and of faſting and humiliation, which by virtue of any act of parliament now in being are to be obſerved, ſhall be obſerved on the reſpective days marked for the celebration of the ſame in the new calendar; that is to ſay, on the ſame nominal days on which they are now obſerved; but which according to the alteration by this act made will happen 11 days ſooner than they now do; and the feaſt of *Eaſter*, and all other moveable feaſts thereon depending, ſhall be obſerved according to the new calendar, tables and rules hereunto annexed, in *England*, and the dominions aforeſaid, wherein the liturgy of the church of *England* now is, or hereafter ſhall be uſed; and the two moveable terms of *Eaſter* and *Trinity*, and all courts, and all meetings of any bodies politic, and all markets, fairs and marts, and courts thereunto belonging, which are uſed to be holden at any moveable times depending upon *Eaſter*, or any other moveable feaſt, ſhall be holden on ſuch days whereon the ſame happen, according to the falling of *Eaſter*, or ſuch other moveable feaſts, to be computed according to the new calendar.

IV. *Sect.* 4. The meetings of the court of ſeſſion, and terms fixed for the court of exchequer in *Scotland*, the *April* meeting of the governor bailiffs and commonalty of the company of conſervators of the great level of the fens, and the holding of all markets, fairs and marts, either fixed to certain nominal days of the month, or depending upon the beginning or any certain day of any month, and all courts belonging to ſuch fairs or marts, ſhall not be continued according to the nominal days of the month, computed according to the new calendar, but ſhall be holden upon or according to the ſame natural days, according to which they ſhould have been holden in caſe this act had not been made.

V. *Sect.* 5. This act ſhall not accelerate the days for opening, incloſing, or ſhutting up any lands for common of paſture and other purpoſes, or the days on which any temporary or diſtinct right in any lands is to commence; but all ſuch lands ſhall be opened, incloſed or ſhut up, and ſuch temporary and diſtinct right commence, upon the ſame natural days on which the ſame ſhould have been ſo reſpectively opened, incloſed or ſhut up, or would have commenced in caſe this act had not been made.

VI. *Sect.* 6. This act ſhall not accelerate the time of payment of any rent, annuity or ſum payable by virtue of any cuſtom, deed or agreement, or of any act of parliament made before the ſaid 14th day of *September*, or the time of doing any thing directed by any ſuch act; or accelerate the payment of, or increaſe the intereſt of any ſum payable as aforeſaid; or accelerate the time of the delivery of any goods or other things, or the time of the commencement, or determination of any leaſe of lands or hereditaments, or of any other agreement, or of the accepting, ſurrendering or delivering up poſſeſſion of any lands or hereditaments; or the commencement or determination of any annuity or rent; or of any grant for any term of years, or the time of attaining the age of 21 years, or any other age requiſite by any law, cuſtom, deed, will or writing, by any perſon born before the ſaid 14th of *September*, or the time of the expiration of any apprenticeſhip or other ſervice.

The calendar, tables, and rules mentioned in the act are annexed to it, and are prefixed to all the editions of the common prayer book ſince 1752.

VII. **Stat.** 25 *Geo.* 2. *cap.* 30. *ſect.* 2. The reſpective times for opening, uſing, incloſing and ſhutting up lands uſed for common of paſture or other purpoſes, for the paying of rents or other payments, and for the doing of other things, if ſuch times are depending on any moveable feaſt, ſhall be computed according to the new calendar.

VIII. *Sect.* 3. Nothing in this act ſhall extend to the abridging, enlarging, confirming or altering the title of any perſon or body politic to any ſuch lands, except as to the new computation of time, when the enjoyment of ſuch right ſhall commence.

Candles.

XLV. **Stat.** 23 *Geo.* 2. *cap.* 21. *ſect.* 27. No candles, ſoap or ſtarch, ſhall be imported into *Great Britain*, in any ſhip from *Ireland*, or the *Iſle of Man*, or any other place beyond the ſeas, otherwiſe than in package, each caſk or bag whereof contains 224 pounds of neat candles, ſoap or ſtarch, to be ſtowed openly in the hold of ſuch ſhip, under the penalties following, *viz.* that all the candles, ſoap or ſtarch, imported contrary to this act, with the package, ſhall be forfeited, and the maſter or perſon taking charge of ſuch ſhip or veſſel ſhall forfeit 50 *l.* and it ſhall be lawful for the officers of the cuſtoms or exciſe, or other perſons authorized by warrant from the treaſury or by ſpecial commiſſion from his Majeſty under the great ſeal or privy ſeal, to ſeize ſuch candles, ſoap or ſtarch, with the caſks or package.

XLVI. *Sect.* 28. It ſhall be lawful for the officers of exciſe, to go on board any ſhip within the limits of any ports of *Great Britain*, and to continue on board and to ſearch, as the officers of the cuſtoms may do, for all candles, ſoap and ſtarch, and to ſeize for his Majeſty's uſe, as well all ſuch commodities there found, and by law forfeited, with the package; and to ſeize ſuch of the commodities aforeſaid, as before due entry, and without paying or ſecuring the duties on importation, ſhall be found unſhipping or unſhipped out of ſuch ſhip, to be laid on land, with the package.

XLVII. *Sect.* 29. Any ſufferance, cocquet or tranſire granted for any candles, ſoap or ſtarch, to be ſhipped to be carried to ſea from any port within *Great Britain*, to be landed at any other place in the ſaid kingdom, ſhall expreſs the quality, quantity, weight and mark of package, by whom made and ſold, and to what place conſigned; and any candles, ſoap or ſtarch, ſhipped without ſuch ſufferance, *&c.* with the package, ſhall be forfeited; and it ſhall be lawful for the officers of the cuſtoms or exciſe, or other perſons authorized, to ſeize ſuch candles, ſoap or ſtarch, with the package.

XLVIII. *Sect.* 30. It ſhall be lawful for any officer of exciſe or cuſtoms, to ſeize any quantity of candles, ſoap or ſtarch, with the package, found in any ſhip, or carrying in any carriage, where they have reaſon to ſuſpect the ſame hath been made in ſome private workhouſe, or clandeſtinely imported without payment of the duty, or exported and relanded after the duty had been drawn back; and if the party in whoſe poſſeſſion the ſame are found, does not at the hearing of the information make it appear that the duty hath been paid or ſecured, all the candles, ſoap or ſtarch ſo ſeized ſhall be forfeited, with the package; and the perſon in whoſe poſſeſſion the ſame are found, ſhall forfeit 5 *l.* for every 100 pounds weight; and ſo in proportion for a greater or leſſer quantity.

XLIX. *Sect.* 31. If any foreign candles, ſoap or ſtarch, be unſhipped with intention to be laid on land before an entry has been made with the proper officer for the duties, and before the duties have been firſt paid or ſecured; or if any candles, ſoap or ſtarch ſpecified in any certificate, whereupon any drawback is to be made, or debenture for ſuch drawback, ſhall when ſhipped for exportation be landed again in *Great Britain*, ſuch candles, ſoap or ſtarch with the package, and the boats, and cattle and carriages uſed in the landing or conveying, ſhall be forfeited, and may be ſeized by any officer of the cuſtoms or exciſe; and the perſon from whom ſuch candles, ſoap or ſtarch are ſeized, ſhall forfeit 5 *l.* for every 100 pounds weight thereof.

L. *Sect.* 32. In caſe any perſon knowingly keep or conceal, or knowingly ſuffer to be kept or concealed, ſuch candles, ſoap or ſtarch ſo unlawfully imported, or ſhipped for exportation upon debenture, and relanded, the party offending, whether he do or do not claim any property in ſuch goods, ſhall for every ſuch offence forfeit all ſuch candles, ſoap or ſtarch kept or concealed, with the package, and ſhall forfeit 50 *l.* for every 100 pounds weight.

LI. *Sect.*

LI. *Sect.* 33. In all caſes where any ſuch candles, ſoap or ſtarch are ſeized, and no perſon within 20 days appears to the officer who made ſeizure to claim the ſame, if ſuch ſeizure be made within the limits of the chief exciſe office in *London*, the officer who made ſuch ſeizure after the expiration of the ſaid 20 days, may cauſe notice to be ſigned by his Majeſty's ſolicitor for the exciſe, to be affixed at the *Royal Exchange*, ſignifying the day and the time of the day that the commiſſioners of the exciſe will proceed to hear the matter of ſuch ſeizure, and to the condemnation of the candles, ſoap or ſtarch ſo ſeized, and the package; and if ſuch ſeizure be made out of the limits of the ſaid chief exciſe office in *London*, it ſhall be lawful for the officers who make ſuch ſeizure, after the expiration of 20 days, to cauſe public notice to be given by proclamation at the next market town to the place where ſuch ſeizure is made, upon the next market day after the expiration of the ſaid 20 days, of the day and place when and where the juſtices of peace will proceed to hear the matter of ſuch ſeizure, and to the condemnation of the candles, ſoap or ſtarch ſo ſeized; and it ſhall be lawful for the commiſſioners of exciſe, and juſtices of peace, within their juriſdictions to examine into the cauſe of ſuch ſeizure, and give judgment for the condemnation of ſuch candles, ſoap or ſtarch ſo ſeized, as ſhall appear forfeited, and of the package; which judgments ſhall be good and final, as if the owner or perſon in whoſe cuſtody the ſame were at the time of the ſeizure, had been ſummoned to attend the ſaid commiſſioners or juſtices, and ſhall not be liable to any appeal, or to be removed by *certiorari*.

LII. *Sect.* 34. In caſe any officer of exciſe ſuſpect that any candles, ſoap or ſtarch be fraudulently concealed, with intent to defraud his Majeſty of the duties, if ſuch place be within the cities of *London* or *Weſtminſter*, or within the limits of the weekly bills of mortality, upon oath made by ſuch officer before the commiſſioners of exciſe, or two of them; or in caſe the ſame be in any other part of *Great Britain*, upon oath made by ſuch officer before any juſtice of peace for the county or place where ſuch officer ſuſpects the ſame to be concealed, ſetting forth the ground of his ſuſpicion; it ſhall be lawful for the ſaid commiſſioners or juſtice, before whom ſuch affidavit is made, by warrant to authorize ſuch officer by day or by night, but if in the night, in the preſence of a conſtable or other officer of the peace, to enter into ſuch place where he ſuſpects ſuch candles, ſoap or ſtarch to be concealed, and ſeize all ſuch candles, ſoap or ſtarch which he ſhall then and there find ſo concealed, with the package; and if any perſon obſtruct any officer of the ſaid duties in the executing any of the powers by this act given him, every perſon offending therein ſhall for every ſuch offence forfeit 100*l.*

LIII. *Sect.* 35. If any of the ſaid candles, ſoap or ſtarch be ſo ſeized for nonpayment of duties or non-entry, and any diſpute ariſe whether the duties have been paid, or the ſame duly entered, the proof thereof ſhall lie on the claimer of ſuch goods, and not on the officer.

LIV. *Sect.* 36. No perſon who ſhall export from *Great Britain*, candles, ſoap or ſtarch made in *Ireland*, or in the *Iſle of Man*, or in any other place beyond the ſeas, ſhall be intitled to receive any drawback.

LV. *Sect.* 37. When any candles, ſoap or ſtarch are ſeized by virtue of this act; all ſuch ſeizures (except where no perſon within 20 days claims the ſame, in which caſe the method of proceeding has been before directed) and the ſeveral penalties and forfeitures by this act impoſed, ſhall be proceeded upon and determined in ſuch manner as hereafter is directed, *viz.* All informations for the condemnation of ſuch ſeizures, and for the penalties, if the ſame were made and incurred within the limits of the chief office of exciſe in *London*, ſhall be heard and determined by the commiſſioners of exciſe or three of them, or by the commiſſioners of appeals or the major part of them in caſe of appeal. And all informations for the condemnation of ſuch ſeizures, and for the penalties, if made and incurred out of the limits of the ſaid chief office of exciſe in *London*, ſhall be heard and determined by any two juſtices of peace reſiding near the place where ſuch ſeizure is made, or penalty incurred; and if either party find himſelf aggrieved by the judgment of the juſtices, he may appeal to the next quarter-ſeſſions, whoſe judgment therein ſhall be final. Which ſaid commiſſioners of exciſe and appeals, and the ſaid juſtices of the peace reſpectively, are upon any information exhibited or complaint made, within three months after any ſeizure made or penalty incurred, to ſummon the party accuſed

and

and the witneſſes on either ſide; and upon the appearance or default of the party accuſed (upon proof of notice given) to proceed to the examination of the fact and of the witneſſes upon oath; and to give judgment as well for any penalty, which upon examination, or the confeſſion of the party accuſed is to be incurred, as for the condemnation of ſuch candles, ſoap or ſtarch, and the packages, and the boats, cattle and carriages ſo ſeized, which upon examination or the confeſſion of the party accuſed are found to be forfeited; and to iſſue their warrants for the ſale of ſuch candles, ſoap or ſtarch, and the packages, and boats, cattle and carriages ſo condemned; and where the party accuſed is convicted, to iſſue warrants under their hands for the levying any pecuniary penalty ſo adjudged upon the goods of the ſaid offender, and to cauſe ſale to be made of the ſaid goods if not redeemed within 14 days, rendering to the party the overplus, and for want of ſufficient diſtreſs, to impriſon the party offending till ſatisfaction be made.

LVI. *Sect.* 38. It ſhall be lawful for the ſaid commiſſioners and juſtices, where they ſee cauſe, to mitigate any penalties and forfeitures; the reaſonable charges of the officers in making the diſcovery and in the proſecution being allowed over and above ſuch mitigation; and ſo as ſuch mitigation do not reduce the penalty to leſs than one fourth, over and above the ſaid charges.

LVII. *Sect.* 39. All penalties and forfeitures in this act mentioned (charges for recovery thereof being firſt deducted) ſhall be employed, one moiety for the uſe of his Majeſty, and the other moiety to the ſeizor or proſecutor.

LVIII. *Sect.* 40. No writ of *certiorari* ſhall ſuperſede execution or other proceedings upon any order made in purſuance of this act.

LIX. **Stat.** 26 *Geo.* 2. *cap.* 32. *ſect.* 8. When any information is brought againſt the maſter, mate or other perſon having the charge of any ſhip, for recovery of the penalty of 50 *l.* inflicted by 23 *Geo.* 2. *cap.* 21. *ſect.* 27. for importing candles, ſoap or ſtarch, otherwiſe than by the ſaid act is preſcribed, it ſhall be lawful for ſuch maſter, *&c.* to ſtop the wages of the mariners on board ſuch ſhip until ſuch information be determined; and if it appear that ſuch candles, ſoap or ſtarch were put on board ſuch ſhip, by any of the mariners without the privity of the maſter, *&c.* it ſhall be lawful for ſuch maſter, *&c.* to retain ſo much of the wages of the mariners guilty of, or privy to ſuch offence, as will ſatisfy the penalty inflicted upon ſuch maſter, *&c.*

Carriage.

III. **Stat.** 21 *Geo.* 2. *cap.* 28. *ſect.* 3. If any common carrier ſhall demand and take any greater price for the bringing of goods to *London*, or to any place within the bills of mortality, than is allowed by the juſtices for the county or place from whence ſuch goods are brought, for the carrying of goods from *London* to the ſaid county or place, every ſuch carrier ſhall for every ſuch offence forfeit 5 *l.* to the party grieved, to be levied as by 3 *Will. & Mar. cap.* 12. *ſect.* 24. is directed, or by diſtreſs and ſale of his goods by warrant under the hands and ſeals of two juſtices for *Middleſex* or *Surry*, or the city of *London*, or the city and liberty of *Weſtminſter*. And the clerk of the peace for every county and place ſhall immediately after *Eaſter* ſeſſion yearly certify to the lord mayor of *London*, and the clerks of the peace for *Middleſex* and *Surry*, and the city and liberty of *Weſtminſter*, the rates made for the carriage of goods in purſuance of the ſaid act, in their reſpective counties and places; which certificate or an atteſted copy thereof ſigned by the officer to whom the ſame ſhall be tranſmitted, ſhall be ſufficient evidence of the rates ſet for the carrying of goods to any county or place.

Cattle.

XXXIII. **Stat.** 31 *Geo.* 2. *cap.* 40. *ſect.* 11. No ſales-man, or other broker, or factor, imployed to buy or ſell cattle for others by commiſſion or for reward, ſhall by himſelf or any ſervant or agent, directly or indirectly, on his own account, buy any live ox, bull, cow, ſteer, bullock, heifer, calf, ſheep, lamb or ſwine, in *London*, or within the limits of the weekly bills of mortality, or at any place whilſt any ſuch

cattle ſhall be upon the road, or be coming up to be offered to ſale, in *London*, or within the limits of the weekly bills of mortality (other than ſuch cattle which ſuch ſales-man, *&c.* ſhall purchaſe for the proviſion of his family, and ſhall uſe accordingly) and no ſuch ſales-man, *&c.* ſhall ſell, or offer to ſale on his own account in *London*, or within the limits of the weekly bills of mortality, by himſelf or his ſervant or agent any live ox, *&c.* upon pain that every perſon who ſhall ſo offend, ſhall every time he be convicted, forfeit double the value of any live cattle which he ſhall ſo buy or ſell, on his own account, contrary to this act.

See the manner of conviction in ſect. 15. Pay.

XXXIV. Stat. 32 *Geo.* 2. *cap.* 81. *ſect.* 1. The free importation of all ſorts of cattle into this kingdom from *Ireland*, ſhall be allowed for five years from the firſt of *May* 1759. or at any time thereafter before the end of the then next ſeſſion of parliament; and all perſons ſhall be exempted from the payment of all duties, and from all penalties, upon account of importing cattle into this kingdom from *Ireland*.

XXXV. *Sect.* 2. If any action be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts.

Certiorari.

IX. Stat. 13 *Geo.* 2. *cap.* 18. *ſect.* 5. No writ of *certiorari* ſhall be granted, to remove any conviction, judgment, order, or other proceedings had before any juſtice or juſtices of the peace, or the general or quarter ſeſſions, unleſs ſuch *certiorari* be moved for within ſix calendar months next after ſuch conviction, *&c.* ſo had, and unleſs it be proved on oath, that the party ſuing forth the ſame hath given ſix days notice thereof in writing to the juſtice or juſtices or two of them, before whom ſuch conviction, *&c.* was had, to the end that ſuch juſtice or juſtices, or the parties therein concerned, may ſhew cauſe againſt the granting ſuch *certiorari*.

Chancery.

XXXVII. Stat. 12 *Geo.* 2. *cap.* 24. *ſect.* 1. To provide a juſt ſupport for the accountant general of the court of chancery; be it enacted, that out of the caſh in the bank of *England*, belonging to the ſuitors of the court of chancery, a ſum not exceeding 35,000 *l.* ſhall by order of the court be placed out on ſuch government or parliamentary ſecurities, as by ſuch order ſhall be directed; to the intent that the intereſt thereof may be applied for the purpoſes herein after mentioned; and the ſaid court may from time to time change the ſecurities on which the ſaid monies ſhall be placed.

XXXVIII. *Sect.* 2. And the intereſt ariſing from the ſaid ſecurities, ſhall be received by the governor and company of the bank of *England*, and placed to the credit of an account to be raiſed in the books kept there for the ſuitors of the ſaid court, of intereſt ariſing from money placed out in purſuance of this act; and out of ſuch intereſt there ſhall be paid by quarterly payments the annual ſum of 1020 *l.* which payment ſhall be made by the bank, by order of the court, *videlicet*, to the accountant general 650 *l.* to his firſt clerk 250 *l.* to his ſecond clerk 120 *l.* which ſalaries ſhall commence from the 29th of *September* 1739, and ſhall be in lieu of all fees, and the reſidue of the intereſt ariſing from the ſaid ſecurities ſhall be accounted for, as part of the common and general caſh of the ſuitors of the ſaid court.

XXXIX. *Sect.* 3. After the ſaid 29th of *September*, no fees ſhall be taken in the ſaid office for any thing directed to be done therein by 12 *Geo.* 1. *cap.* 32. and if any perſon belonging to the ſaid office preſume to take any fee, he ſhall be looked upon as guilty of extortion, and be liable to be proſecuted for the ſame, by indictment or information, or upon complaint to the court of chancery, ſhall be puniſhed as for a contempt.

XL. *Sect.* 4. If hereafter the whole or any part of the ſaid ſum of 35,000 *l.* be wanted to anſwer the demands of the ſuitors of the ſaid court, then the court may direct the ſame or any part thereof to be called in, or the ſecurities on which the ſame ſhall be placed, to be diſpoſed of.

XLI. Stat.

XLI. **Stat.** 23 *Geo.* 2. *cap.* 25. *ſect.* 1. Whereas by 12 *Geo.* 1. *cap.* 33. for relief of the ſuitors of the court of chancery, and to make good the deficiencies of the offices of the maſters, certain ſtamp duties were granted for 16 years, and by 9 *Geo.* 2. *cap.* 32. the ſaid duties were continued for four years from *Aug.* 2, 1742. and it was thereby enacted, that when the deficiency of the ſuitors money, and all money borrowed on the credit of the ſaid acts ſhould be ſatisfied, then the ſurplus money raiſed out of the ſaid duties ſhould be reſerved for the benefit of the public; and whereas the ſaid deficiency, and all the money directed to be paid by the ſaid acts, out of the fund thereby appropriated, have been ſatisfied, and there remains in the bank of *England*, as a ſurplus of the ſaid fund unapplied the ſum of 13,698 *l.* 1 *s.* 11 *d.* and whereas the revenue of the office of the hanaper, hath not for ſeveral years paſt been ſufficient to pay the diſburſements iſſuing out of the ſame; and there remained in arrear at *Michaelmas* 1749. the ſum of 10,590 *l.* 12 *s.* 11 *d.* due from the ſaid office; be it enacted, that out of the ſaid ſum of 13,698 *l.* 1 *s.* 11 *d.* now remaining in the bank of *England*, as the ſurplus unapplied of the fund given by the 12 *Geo.* 1. *cap.* 33. and the 9 *Geo.* 2. *cap.* 32. reſerved for the diſpoſition of parliament, there ſhall be paid ſuch ſums not exceeding in the whole 10,590 *l.* 12 *s.* 11 *d.* to the creditors upon the office of the hanaper, when and as the court of chancery ſhall order, in ſatisfaction of the ſaid debt and arrears. And as often as the accomptant general of the ſaid court ſhall in purſuance of any order of the court, give a draught upon the bank, for any of the ſaid debts, certificates thereof from the ſaid accomptant general (which he is to make without fee) ſhall be tranſmitted to the clerk of the hanaper, together with the proper vouchers of the payment of the ſaid debts, ſpecifying to whom ſuch payments have been made, and to what time they extend, to the end the ſame may be brought into the account of the clerk of the hanaper, to be by him paſſed before one of the auditors of the ſaid revenue; and all ſuch certificates ſhall be filed in the office of the hanaper, and the vouchers tranſmitted therewith are to be delivered over to the ſaid auditor.

XLII. *Sect.* 2. The duties granted by the 12 *Geo.* 1. *cap.* 33. for 16 years, and continued by the 9 *Geo.* 2. *cap.* 32. for the farther term of four years, and which expired in *Auguſt* 1746. ſhall be revived, and ſhall be payable upon the ſeveral writs and law proceedings in the ſaid former acts mentioned, from 24 *June* 1750. for ever; and all the penalties and proviſions in the ſaid former acts concerning the levying and managing the ſame ſhall be revived.

XLIII. *Sect.* 3. All the officers concerned in the levying and managing the duties ariſing by virtue of this act, ſhall keep diſtinct accounts thereof, and pay the ſame into the receipt of the exchequer at *Weſtminſter*, weekly on every *Wedneſday*, unleſs it be an holy-day, and in that caſe on the next day after not being an holy-day.

XLIV. *Sect.* 4. There ſhall be kept in the ſaid exchequer books wherein a diſtinct account of all the money paid in weekly in purſuance of this act ſhall be entered, and out of the money ariſing by the duties granted by this act, there ſhall be paid unto the clerk of the hanaper office, or his deputy, a yearly ſum not exceeding 3,000 *l.* by equal half-yearly payments, on the 25th of *March* and 29th of *September* in every year, (for the iſſuing of which no fee ſhall be taken) and the receipt of the clerk of the hanaper, or his deputy, ſhall be a ſufficient diſcharge for the ſame.

XLV. *Sect.* 5. The reſidue of the ſaid 13,698 *l.* 1 *s.* 11 *d.* ſurplus caſh in the bank of *England*, after ſatisfaction of the ſaid debt due from the clerk of the hanaper in chancery, at *Michaelmas* 1749. ſhall be placed out at intereſt on government ſecurities, under the direction of the court of chancery, in the name and with the privity of the accomptant general, and placed to the account of the clerk of the hanaper in chancery, and the intereſts ariſing therefrom ſhall be paid to the clerk of the hanaper, or his deputy, to be applied in aid of the ſaid revived duties, to make good the ſaid annual ſum of 3,000 *l.* granted to his Majeſty out of the ſaid duties, and the receipt of the clerk of the hanaper, or his deputy, ſhall be a ſufficient diſcharge for the ſame.

XLVI. *Sect.* 6. The ſaid yearly ſum of 3000 *l.* and the yearly intereſt ariſing from the ſurplus caſh in the bank as aforeſaid, ſhall be iſſued and accounted for as part of the revenue of the hanaper office, for the ſame purpoſes, and in the ſame manner as the revenue from the ſaid office hath from time to time been iſſued and accounted for: and alſo for the payment of the yearly ſum of 1,200 *l.* to the maſter of the rolls, by

by equal half-yearly payments, on the 25th of *March* and the 29th of *September* in every year.

XLVII. *Sect.* 7. In caſe the yearly revenue of the ſaid office of clerk of the hanaper augmented by this act, be at any time more than ſufficient to pay the ſaid yearly ſum of 1,200 *l.* to the maſter of the rolls, and alſo the ſeveral fees, ſalaries and allowances payable out of the ſame, then the clerk of the hanaper ſhall be accountable for ſuch overplus, and upon a certificate thereof from one of the auditors of the impreſt (which ſuch auditor is to make and tranſmit to the commiſſioners of the treaſury) ſuch overplus ſhall be carried on to the account of the ſubſequent year of the clerk of the hanaper, who ſhall ſtand charged therewith, and only ſo much of the ſaid yearly ſum of 3,000 *l.* ſhall be paid to the ſaid clerk of the hanaper, towards the next ſubſequent payment, as with ſuch overplus aſcertained by ſuch certificate will anſwer the ſaid yearly ſum of 1,200 *l.* to the maſter of the rolls, and the ſeveral fees, *&c.* payable out of the ſame.

XLVIII. *Sect.* 8. In caſe the yearly revenue of the ſaid office of clerk of the hanaper, augmented by this act, at any time prove deficient to pay the ſaid yearly ſum of 1,200 *l.* to the maſter of the rolls, and the ſeveral fees, *&c.* payable out of the ſame, then it ſhall be lawful for the commiſſioners of the treaſury, out of any money in the exchequer ariſen from the ſaid revived duties granted by this act, not otherwiſe applied by parliament, to direct ſuch ſum not exceeding what has been ſaved in former years by leſs having been paid to the clerk of the hanaper than the annual ſum of 3,000 *l.* as aforeſaid, to be iſſued unto the clerk of the hanaper, as ſhall be neceſſary for the ſupplying ſuch deficiency, to be aſcertained by a certificate from one of the auditors of the impreſt, directed to the commiſſioners of the treaſury in manner aforeſaid; and the receipts of ſuch clerk of the hanaper or his deputy ſhall be a ſufficient diſcharge for all ſums ſo iſſued.

XLIX. *Sect.* 9. In caſe the ſaid revived duties, and the intereſt of the ſaid ſurplus caſh in the bank, ſhall in any one year produce leſs, and in another more than 3,000 *l.* it ſhall be lawful for the commiſſioners of the treaſury, to order ſuch deficiencies to be made good out of ſuch ſurpluſſes, ſo as the whole money iſſued to the clerk of the hanaper out of the ſaid monies ariſing from the ſaid revived duties, and the intereſt of the ſaid ſurplus caſh in the bank, do not one year with another exceed the yearly ſum of 3,000 *l.*

L. *Sect.* 10. All the reſidue and ſurplus of the money ariſing by the duties and other proviſions of this act, not applied in the payment of the ſeveral yearly and other ſums hereby directed, ſhall be reſerved for the benefit of the public, and ſhall not be applied to any other uſe than ſuch as ſhall be hereafter directed by parliament.

Cheſter and Cheſhire.

X. **Stat.** 22 *Geo.* 2. *cap.* 46. *ſect.* 35. All writs of *capias*, and other meſne proceſs, to anſwer relating to any action in the courts of ſeſſion for the county of *Cheſter*, and court of common pleas for the county of *Lancaſter*, that bear *teſte* in the preceding ſeſſion or ſeſſion of aſſizes reſpectively, ſhall be made returnable before his Majeſty's juſtices of the ſaid ſeſſion at *Cheſter*, or ſeſſions of aſſizes for the county of *Lancaſter*, on the firſt *Wedneſday* of any month in each of the two vacations annually, betwixt the ſaid ſeſſion or ſeſſions of aſſizes, or at the firſt day of the next ſeſſion or ſeſſions of aſſizes reſpectively, at the election of the plaintiff or his attorney: and all ſuch writs or proceſs, which ſhall iſſue out of the ſaid courts, returnable in the vacations as aforeſaid, and whereon the defendant ſhall be arreſted or ſerved with a copy, ſuch defendant ſhall appear and file ſpecial bail or enter a common appearance, as the caſe requires, on the day of ſuch return or within eight days after; and in caſe of neglect in bailable actions, the ſheriff or other officer, ſhall at the requeſt and coſts of the plaintiff or his attorney, aſſign to ſuch plaintiff the bail bond, by indorſement and atteſtation under his hand in the preſence of two witneſſes; and the plaintiff after ſuch aſſignment may bring an action upon ſuch bail bond in his own name; and the ſaid courts may by rule, give ſuch relief to the plaintiffs and defendants in the original action, and to the bail ſo ſued upon the bail bond as is agreeable to juſtice: and in caſe of ſervice, the copy of writs or proceſs returnable in the vacation time, and

and the defendant ſo ſerved therewith ſhall not appear at the return of ſuch proceſs, or within eight days after, it ſhall be lawful for the plaintiff upon affidavit filed with the prothonotary of the ſaid courts reſpectively, or his deputy, of the perſonal ſervice of ſuch proceſs, to enter a common appearance for the defendant, and to proceed thereon, as if ſuch defendant had entered his appearance: and all writs returnable in the ſaid courts reſpectively on ſuch return days as aforeſaid, ſhall (in caſe the plaintiff declare according to the practice of the ſaid courts reſpectively) be proceeded upon as if the ſame had been made returnable at the preceding ſeſſion or ſeſſion of aſſizes for the ſaid county palatine reſpectively.

XI. **Stat.** 26 *Geo.* 2. *cap.* 34. *ſect.* 4. The annual meeting of the citizens for the election of the mayor, ſheriffs, treaſurers, coroners, and leave-lookers of the city of *Cheſter*, ſhall not hereafter be holden on the *Friday* next after the feaſt of St. *Dennis*, but the ſame, and all annual meetings for that purpoſe, ſhall be holden in the uſual manner on the *Friday* next after the 20th day of *October* in every year.

Clergy.

XLIX. **Stat.** 24 *Geo.* 2. *cap.* 45. Every perſon that ſhall feloniouſly ſteal any goods, wares or merchandize, of the value of 40*s.* in any ſhip, barge, lighter, boat, or other veſſel or craft upon any navigable river, or in any port of entry or diſcharge, or in any creek belonging to any navigable river, port of entry or diſcharge, within *Great Britain*; or upon any wharf or key adjacent to any navigable river, port of entry or diſcharge, or ſhall be preſent and aſſiſting in committing any of the offences aforeſaid, being convicted, *&c.* ſhall be excluded from the benefit of clergy.

See **Felony, Murder, Women.**

Clocks and Watches.

II. **Stat.** 27 *Geo.* 2. *cap.* 7. *ſect.* 1. If any perſon hired or employed by any perſon practiſing the trade of clock making or watch making, or any branch of ſuch trade, to make, finiſh, alter, repair or clean, any clock or watch, or any part of a clock or watch, or intruſted by any perſon practiſing the ſaid trade, with any gold, ſilver or other metal or material, to be or that ſhall be in the whole or in part wrought for any part of a clock or watch, or any precious ſtone ſet or to be ſet, in or about any clock or watch, ſhall purloin, embezil, ſecrete, ſell, pawn, exchange, or otherwiſe unlawfully diſpoſe of any ſuch goods, and be convicted by the oath of the owner or any other witneſs, or by confeſſion before any juſtice of the peace of the county or place, where ſuch offence is committed, or where the perſon ſo charged reſides, every ſuch offender ſhall for the firſt offence forfeit 20 *l.* and in caſe the forfeiture be not forthwith paid, the juſtice ſhall commit the party ſo convicted, to the houſe of correction or other public priſon of ſuch county, *&c.* to be kept to hard labour for 14 days, unleſs ſuch forfeiture be ſooner paid; and if within two days before the expiration of the ſaid 14 days ſuch forfeiture be not paid, the ſaid juſtice is impowered to order the perſon ſo convicted to be publicly whipped; and for a ſubſequent offence of the ſame kind, the perſon ſo again offending being convicted ſhall forfeit 40 *l.* and in caſe the forfeiture be not forthwith paid, the juſtice ſhall commit the perſon ſo again offending to the houſe of correction or other public priſon, to be kept to hard labour for any time not exceeding three months, nor leſs than one month, unleſs the forfeiture be ſooner paid; and if within ſeven days before the expiration of the time for which ſuch offender is committed the forfeiture be not paid, the juſtice is impowered to order the perſon ſo again offending to be publicly whipped twice or oftener, as to ſuch juſtice appears reaſonable.

III. *Sect.* 2. If any perſon ſhall buy, receive or take by way of gift, pawn or exchange, or in any other manner, any clock or watch or any part of a clock or watch, or any gold, ſilver or other metal or material as aforeſaid, wrought or not wrought, or any precious ſtone intruſted with any perſon hired or employed as aforeſaid,

knowing the ſame to be ſo purloined or imbeziled, being convicted in manner before preſcribed, he ſhall for the firſt offence forfeit 20*l.* and in caſe the forfeiture be not forthwith paid, the juſtice before whom ſuch conviction is had, ſhall commit the party ſo convicted to the houſe of correction or other public priſon, to be kept to hard labour for 14 days, unleſs the forfeiture be ſooner paid; and if within two days before the expiration of the ſaid 14 days the forfeiture be not paid, the juſtice is to order the perſon ſo convicted to be publicly whipped, once or oftener, as to ſuch juſtice appear reaſonable; and in caſe of a ſubſequent offence of the ſame kind, the perſon ſo again offending, being convicted, ſhall forfeit 40*l.* and in caſe the forfeiture be not forthwith paid, the juſtice ſhall commit the party ſo convicted to the houſe of correction or other public priſon, to be kept to hard labour for any time not exceeding three months, nor leſs than one month, unleſs the forfeiture be ſooner paid; and if within ſeven days before the expiration of the time for which ſuch offender is committed, the forfeiture be not paid, the juſtice is to order ſuch offender to be publicly whipped twice or oftener, as to ſuch juſtice appears reaſonable; and the ſaid forfeitures when recovered, after ſatisfaction thereout to the party injured, with ſuch coſts of proſecution as ſhall be judged reaſonable by the juſtice, ſhall be applied to the uſe of the poor of the pariſh or place where the perſon ſo convicted reſides.

IV. *Sect.* 3. If any perſon convicted as aforeſaid of purloining, *&c.* or of receiving, *&c.* any of the goods before-mentioned, think himſelf aggrieved by the judgment of the juſtice or juſtices, ſuch perſon ſhall have liberty to appeal to the next general or quarter ſeſſions of the peace for the county or place where ſuch judgment is given; and the execution of the ſaid judgment ſhall be ſuſpended, the perſon ſo convicted entering into a recognizance at the time of conviction with two ſureties in double the ſum adjudged to forfeit, upon condition to proſecute ſuch appeal with effect, and to be forth-coming to abide the judgment of the ſeſſions; which recognizances the juſtice before whom ſuch conviction is had is to take; and the juſtices in ſeſſions are finally to determine the ſaid appeal, and award coſts to be paid by either party; and if the judgment of the juſtice before whom the appellant was convicted be affirmed, ſuch appellant ſhall immediately pay the ſum adjudged with ſuch coſts as the juſtices in ſeſſions award; or in default of making ſuch payments ſhall ſuffer the pains inflicted upon perſons who neglect to pay the forfeitures by this act impoſed.

V. *Sect.* 4. The juſtice of peace before whom any perſon ſhall be convicted, ſhall cauſe ſuch conviction to be drawn up in the form following;

Middleſex, to wit, BE *it remembered, that on the day of in the year of his Majeſty's reign,* A. B. *was convicted before me* (or *us*) *of his Majeſty's juſtices of the peace for the ſaid county of* or *for the riding* (or *diviſion*) *of the ſaid county of* or *for the city, liberty,* or *town of in the ſaid county of* (as the caſe ſhall be) *of purloining, imbezilling, ſecreting, ſelling, pawning, exchanging or unlawfully diſpoſing of,* or *of buying, receiving or taking to pawn* (as the caſe ſhall be) (ſpecifying the reſpective goods) *the property of* C. D. *of in the county of*

Given under my hand and ſeal (*or* our hands and ſeals) the day and year aforeſaid.

Which conviction ſhall not be liable to be removed by *certiorari* into the king's bench; and the juſtice before whom ſuch conviction is had, ſhall cauſe the ſame to be written upon parchment, and tranſmitted to the next general or quarter ſeſſions of the peace for the county or place wherein ſuch conviction was had, to be filed and kept amongſt the records.

VI. *Sect.* 5. It ſhall be lawful for any juſtice of peace, and he is hereby required, upon complaint upon oath of any offence againſt this act within the ſame county or place, to iſſue his warrant for bringing before him or any other juſtice of peace of the ſame county or place, the perſon charged with ſuch offence; and the juſtice before whom ſuch perſon ſhall be brought, is to hear and determine ſuch complaint.

Coaches, chairs and carts.

The powers of the commiſſioners of hackney coaches, &c. *are continued by* 33 Geo. 2. cap. 25. *ſo long as any act for licenſing hackney coaches.*

XL. **Stat.** 18 *Geo.* 2. *cap.* 33. *ſect.* 4. No perſon ſhall drive any cart within the bills of mortality, unleſs the owner place upon ſome conſpicuous part, the name of the owner and the number of ſuch cart, in order that the driver may be the more eaſily convicted for any diſorder.

XLI. *Sect.* 5. Every owner of ſuch cart reſiding within the limits aforeſaid, ſhall enter his name and place of abode with the commiſſioners for licenſing hackney-coaches, for which entry he ſhall pay 1 *s.* and no more.

XLII. *Sect.* 6. If any perſon drive any cart within the limits aforeſaid, not numbered and entered as before directed, he ſhall forfeit 40 *s.* and it ſhall be lawful for any perſon to ſeize and detain the cart, or any of the horſes, till ſuch penalty be paid. *See* Par. LXIV.

XLIII. *Sect.* 7. It ſhall be lawful for any perſon uſing any cart as aforeſaid, having the wheels of the breadth of ſix inches when worn, to have the ſame bound with ſtreaks of iron, provided ſuch ſtreaks be of the breadth of ſix inches, and made flat, and not ſet on with roſe-headed nails.

XLIV. **Stat.** 20 *Geo.* 2. *cap.* 10. *ſect.* 1. There ſhall be paid unto his Majeſty, the annual duties herein after expreſſed; *viz.*

For every coach, berlin, landau, chariot, calaſh with four wheels, chaiſe marine, chaiſe with four wheels, and caravan, or by what name ſoever ſuch carriages may be called, that ſhall be kept by or for any perſon for his own uſe, or to be let out to hire, (except ſuch coaches and other carriages as may be licenſed by the commiſſioners for the duties on hackney-coaches) the yearly ſum of 4 *l.*

And for every calaſh, chaiſe and chair with two wheels, or by what name ſoever ſuch carriages may be called, to be drawn by one or more horſes that ſhall be kept by or for any perſon for his own uſe, or to be lett out to hire, the yearly ſum of 40 *s.*

Which ſeveral duties ſhall be paid by the perſons who keep the ſame.

XLV. *Sect.* 2. No perſon ſhall be obliged to pay the yearly ſum of 4 *l.* for more than five ſuch carriages on which the duty of 4 *l.* a year is charged, to be kept for his own uſe only; but all perſons who keep the ſame for ſupplying any waiting jobb by the day, week, month, quarter, or any other time, to lett out to hire, ſhall pay the ſaid yearly ſum of 4 *l.* for every ſuch coach, *&c.* to be lett out to hire, though exceeding the number of five; and every perſon who ſhall keep any chaiſe, *&c.* with two wheels, to be drawn by one or more horſes to be lett out for hire, ſhall pay the ſaid yearly ſum of 40 *s.* for every chaiſe, *&c.* kept to be lett out for hire, though exceeding the number of five.

XLVI. *Sect.* 3. Such of the ſaid duties as are chargeable upon coaches, *&c.* kept in *England*, *Wales* or *Berwick*, ſhall be under the management of the commiſſioners and officers of the exciſe in *England*, and ſuch as are impoſed upon coaches, *&c.* in *Scotland*, ſhall be under the management of the commiſſioners and officers of the exciſe in *Scotland*, who are to appoint officers for charging and collecting the ſame; and all monies ariſing by the ſaid duties (the charges of raiſing and accounting excepted) ſhall be paid into the receipt of the exchequer at *Weſtminſter*, apart from all other revenues.

XLVII. *Sect.* 4. Every perſon who ſhall keep any coach, *&c.* for his own uſe, or the uſe of any perſon for whom he is committee, truſtee or guardian, or to lett out to hire in *London*, *Weſtminſter*, or within the weekly bills of mortality, ſhall within 30 days after the 25th of *March* 1747, or within 20 days after he begins to keep ſuch coach, *&c.* give notice in writing at the chief office of exciſe in *London*, and every perſon who ſhall keep any ſuch coach, *&c.* in any other part of *Great Britain*, ſhall within 60 days after the 25th of *March* 1747. or within 20 days after he begins to keep ſuch carriage, (not being in the place of a former)

give

give notice in writing at the office of exciſe next to the place where ſuch perſon for whoſe uſe the ſame is kept inhabits, of his keeping the ſame, and of the number of the coaches, *&c.* with four wheels, or chaiſes, *&c.* with two wheels, and of the pariſh or place where he reſides, and ſhall at the ſame time pay the annual duties.

XLVIII. *Sect.* 5. Every perſon obliged to give ſuch notice ſhall within 20 days after the expiration of 12 calendar months, after the times of ſuch firſt notices, give a freſh notice in manner aforeſaid and pay the annual duties, and in the ſame manner renew ſuch notice and make ſuch payment from year to year, as long as he keeps any ſuch carriages; and if any perſon keep any coach, *&c.* without giving ſuch firſt notice and making ſuch payments, or without renewing ſuch notice and payments yearly, he ſhall forfeit 20 *l.* for each offence.

XLIX. *Sect.* 6. Upon the payment of the duties by the owners, the names of the perſons paying the ſame, and the number of the coaches, *&c.* kept, and the name of the pariſh or place where he and any perſon for whom he is committee, truſtee or guardian, reſides, ſhall be entered in a regiſter to be kept at the reſpective offices of exciſe for that purpoſe by the perſon receiving the ſame; and a receipt (of which an indented duplicate ſhall be kept by the perſon receiving the money) ſhall be given to every perſon ſo paying ſuch rates; which receipt ſhall contain the number of the regiſter, the number of the coaches, *&c.* paid for, the ſum paid and the time for which it is paid, and be a diſcharge to the owner.

L. *Sect.* 7. Nothing in this act ſhall charge with the ſaid duty any public ſtage-coach, conſtantly employed in carrying paſſengers for hire to and from different places in this kingdom, on certain fixed days in every week, and not lett out to hire by way of by-jobb for a day or a longer time.

LI. *Sect.* 8. This act ſhall not charge with the ſaid duty any poſt-chaiſe kept for hire by the poſt-maſter general, or by any deputy poſt-maſter in *Great Britain* authorized by him.

LII. *Sect.* 9. All poſt-chaiſes ſo kept by ſuch poſt-maſter general, or any deputy poſt-maſters for hire, ſhall within 30 days after the letting out of ſuch chaiſes be entered by the owners at the office of exciſe next to the place where ſuch perſons inhabit; and ſhall (beſides his Majeſty's arms to be painted upon every ſuch poſt-chaiſe) have ſuch figure or mark of diſtinction as ſhall be appointed by the ſaid commiſſioners; and in caſe any ſuch poſt-maſter ſhall lett out to hire any ſuch poſt-chaiſe before the ſame is entered, or have ſuch arms painted, or ſuch mark fixed thereupon, he ſhall for ſuch offence forfeit 20 *l.*

LIII. *Sect.* 10. It ſhall be lawful for the ſaid commiſſioners to cauſe ſuch figure or mark of diſtinction as they think proper, to be fixed upon every ſuch carriage ſo lett out to hire as aforeſaid; and in caſe any perſon lett out to hire any ſuch carriage not having ſuch figure or mark fixed thereupon, or take off the ſame when fixed, he ſhall for every ſuch offence forfeit 20 *l.*

LIV. *Sect.* 11. Nothing in this act ſhall charge with any of the ſaid duties any coach licenſed by the commiſſioners for regulating and licenſing hackney-coaches within *London* and *Weſtminſter*, and the ſuburbs thereof, and having the proper number thereon, and which ſhall not be employed in carrying any perſon more than 10 miles from the ſaid cities.

LV. *Sect.* 12. Nothing in this act ſhall charge with any of the ſaid duties any coach or carriage kept for ſale, and remaining unſold in the poſſeſſion of the owner, or of any coach-maker the purchaſer thereof; and no ſuch carriage ſhall whilſt in ſuch poſſeſſion be employed for his own uſe or the uſe of any perſon, other than ſuch perſon whoſe like carriage ſhall be then repairing by ſuch coach-maker, or be lett out to hire; on pain of forfeiting 20 *l.* for every time ſuch carriage ſhall be ſo employed, or lett out to hire.

LVI. *Sect.* 13. All the ſaid duties, forfeitures and offences ſhall be heard and determined, as hereafter is directed, *viz.* all proſecutions for the recovery of the duties and forfeitures within the limits of the chief office of exciſe in *London*, ſhall be determined by the commiſſioners of exciſe, or by the commiſſioners for appeals in caſe of appeal; and all proſecutions for the duties and forfeitures in any other places in *Great*

Britain ſhall be determined by any two juſtices of peace reſiding near the place where ſuch forfeitures ſhall be made; and if the party finds himſelf aggrieved, he may appeal to the next quarter-ſeſſions, whoſe judgment therein ſhall be final: which ſaid commiſſioners for appeals, and the commiſſioners of exciſe and juſtices of peace, are upon information upon oath of any forfeiture or offence, to ſummon the party accuſed, and upon his appearance or contempt, and upon proof either by confeſſion or by oath of one witneſs, to give judgment, and to iſſue warrants for levying ſuch forfeitures upon the goods of the offender, and to cauſe ſale to be made of the ſaid goods, if not redeemed within 14 days, rendering to the party the overplus; and for want of ſufficient diſtreſs, to impriſon the party offending till ſatisfaction be made.

LVII. *Sect.* 14. All forfeitures and penalties mentioned in this act (the charges for recovery being firſt deducted) ſhall be employed, one moiety to his Majeſty and the other moiety to the informer.

LVIII. *Sect.* 15. In every caſe where the duty ſhall be paid and entry made, before any information laid of it's not having been made within the time mentioned, no perſon having made ſuch payment and entry ſhall be afterwards proſecuted for not having made it within the time limited.

LIX. *Sect.* 16. If any perſon having made due entry and payment of the duty for any coach or carriage, die before the end of the year for which ſuch entry and payment is made, the perſon claiming title to ſuch coach or carriage may make uſe of it during the reſidue of the year.

LX. *Sect.* 52. If any perſon be proſecuted for any thing done in purſuance of this act, he may plead the general iſſue: and if a verdict paſs for the defendant, *&c.* the defendant ſhall have treble coſts.

LXI. **Stat.** 24 *Geo.* 2. *cap.* 43. *ſect.* 8. If any carter or other driver ride upon his cart, dray, car or waggon, in the city of *London*, or within 10 miles thereof, not having ſome other perſon on foot to guide the ſame; being thereof convicted according to 1 *Geo.* 1. *cap.* 57. he ſhall forfeit 10*s.* in caſe ſuch driver be not the owner of ſuch carriage: and in caſe the offender be the owner of ſuch carriage, then any ſum not exceeding 20*s.* to be recovered and applied as by the ſaid act is directed.

LXII. *Sect.* 9. Any perſon, though not a peace officer may apprehend ſuch offender, and carry him before a juſtice of peace for the county or place, where ſuch offence is committed. And in caſe any perſon reſiſt, abuſe or prevent any perſon endeavouring to apprehend ſuch offender, or when he is apprehended endeavour to reſcue him, every perſon ſo offending ſhall for every ſuch offence incur the penalty of 20*s.* to be recovered and applied as aforeſaid.

LXIII. **Stat.** 27 *Geo.* 2. *cap.* 16. *ſect.* 7. If the driver of any cart, car, dray or waggon, ride upon any ſuch carriage, not having ſome other perſon on foot or on horſeback to guide the ſame (ſuch carts as are drawn by one horſe only, or by two horſes abreaſt, and are conducted by ſome perſon holding the reins excepted) or if the driver of any carriage on any part of any ſtreet or highway by negligence or wilful miſbehaviour cauſe any hurt or damage to any perſon upon ſuch ſtreet or highway, every ſuch driver being convicted, either by confeſſion or by oath of one witneſs, before any juſtice of peace of the county or place where ſuch offence is committed, ſhall for every ſuch offence forfeit any ſum not exceeding 10*s.* or be committed to the houſe of correction for any time not exceeding one month, at the diſcretion of ſuch juſtice; and every ſuch driver ſo offending may by authority of this act and without any other warrant, be apprehended by any perſon who ſees ſuch offence committed, and be immediately delivered to a conſtable or other peace officer, to be conveyed before ſome juſtice of peace, to be dealt with according to law.

LXIV. **Stat.** 30 *Geo.* 2. *cap.* 22. *ſect.* 1. One moiety of the money forfeited by the driver of any cart, under the 18 *Geo.* 2. *cap.* 33. ſhall be paid to the perſon who apprehends and proſecutes to conviction any offender; and the other moiety to the overſeers of the poor of the pariſh or place in which the offence is committed; and if there be no overſeers, then to ſome other officer for the uſe of the poor of ſuch

 pariſh;

pariſh; and if the offender on being convicted before any juſtice of peace within his juriſdiction, ſhall not within 24 hours pay the 40 *s.* forfeited, the ſame ſhall be raiſed by ſale of the cart or horſe ſeized; and every juſtice of peace within his juriſdiction is to iſſue his warrant directed to the conſtable or ſome other peace officer of the pariſh, *&c.* in which the cart, *&c.* or horſe ſeized ſhall be, to cauſe ſale to be made thereof; rendering to the offender the overplus, after deducting the charges of ſale and expences of detaining or houſing ſuch cart, *&c.* or keeping any horſe ſeized until ſale be made or the money forfeited be paid.

LXV. *Sect.* 2. Every time the property of any cart, *&c.* entered with the commiſſioners for licenſing hackney-coaches is altered, the new owner ſhall within ſeven days after he becomes owner cauſe the name of the former owner to be taken off, and the name of the new and real owner to be put or painted in large characters upon ſome conſpicuous part thereof, and alſo to be entered with the commiſſioners for licenſing hackney-coaches; and if any omiſſion be made in doing thereof, and any perſon drive any ſuch cart, *&c.* within the cities of *London* and *Weſtminſter*, and ſuburbs thereof, the borough of *Southwark* and other ſtreets within the bills of mortality, not having the name of the owner painted or put thereon, and entered with the commiſſioners for licenſing hackney-coaches, every perſon ſo offending ſhall forfeit for every offence 40 *s.* on being convicted, either by confeſſion or by oath of one witneſs, before any juſtice of peace of the county or place where ſuch offence is committed; and the money ſo forfeited ſhall be applied as the 40 *s.* forfeited for any offence againſt the 18 *Geo.* 2. *cap.* 33. and every ſuch cart, *&c.* and any horſe drawing the ſame, is hereby made liable to be ſeized by any perſon and to be ſold, to raiſe the money forfeited in purſuance of this act, with the charges of ſale, and of houſing the cart, *&c.* and keeping the horſe until ſale be made, or the money forfeited be paid.

LXVI. *Sect.* 3. The juſtices of peace of the city of *London* ſhall at the general ſeſſions of the peace holden for the city of *London*, next after the 24th of *June* in every year, aſſeſs prices for the carriage of goods taken up in the city of *London*, and carried by any licenſed carts, cars or carrooms, as well in the city of *London*, as from the city of *London* into the city of *Weſtminſter*, or any other place not exceeding the diſtance of three miles from the city of *London*; and make rules for governing ſuch carts, *&c.* and the drivers, and compel payment for carriage of goods by ſuch licenſed carts, *&c.* according to the prices aſſeſſed, and annex penalties for breach of any ſuch rules, not exceeding 5 *l.* for any one offence, as to the major part of the juſtices at ſuch ſeſſions ſhall ſeem meet; and at any other ſuch ſeſſions of the peace in *London* alter ſuch rules and make new rules.

LXVII. *Sect.* 4. All rules ſo made ſhall within 30 days after be printed and affixed in ſome public places of the city of *London*, and be made public in ſuch manner as the ſaid juſtices in ſeſſions ſhall order.

LXVIII. *Sect.* 5. No perſons ſhall wilfully obſtruct the paſſing and repaſſing in any public ſtreets, lanes or paſſages, within the limits before mentioned, or ſet any empty caſks or other veſſels in any ſuch ſtreets, *&c.* (except for ſuch time only as is neceſſary for the removing thereof to or from any place, or for the trimming thereof) or ſet any empty cart, or other carriage in any ſuch ſtreet, *&c.* except only during ſuch time as any ſuch cart, *&c.* is plying for hire in the places appointed by the perſons authorized to appoint the ſtandings thereof, and except during ſuch time as any ſuch cart, *&c.* is waiting in any ſuch ſtreet, *&c.* to load or unload goods or commodities, or to take up or ſet down a fare; and every perſon offending and convicted by confeſſion, or by oath of one witneſs before any juſtice of peace of the county, *&c.* where ſuch offence is committed, ſhall for every offence forfeit any ſum not exceeding 20 *s.* and not leſs than 5 *s.* or be committed to the houſe of correction or ſome other priſon of the county, *&c.* in which the offence is committed or the offender apprehended, to be kept to hard labour for any time not exceeding one calendar month, as ſuch juſtice ſhall order.

LXIX. *Sect.* 6. No perſon ſhall ply for hire with any hackney-coach, cart or other wheel carriage in *Bridge-ſtreet*, *Parliament-ſtreet*, *Great George-ſtreet*, *Saint Margaret's ſtreet* or *Abingdon-ſtreet*, in the city of *Weſtminſter* or ſtay in any of the ſaid ſtreets with any wheel carriage longer than is reaſonable, to wait to take up or ſet down his

fare, or to load and unload goods; and every perſon having the care of ſuch wheel carriage offending, and being convicted either by confeſſion or by oath of one witneſs, before any juſtice of peace for *Weſtminſter*; ſhall for every offence forfeit any ſum not exceeding 20 *s.* and not leſs than 5 *s.* or be committed to the houſe of correction in *Weſtminſter*; to be kept to hard labour for any time not exceeding one calendar month, as ſuch juſtice ſhall order.

LXX. *Sect.* 7. If the driver of any carriage in the cities of *London* or *Weſtminſter*, or in any public ſtreet or common highways within the weekly bills of mortality, by negligence or wilful miſbehaviour interrupt the free paſſage in any of the public ſtreets in *London* or *Weſtminſter*, or in any public ſtreet or common highways within the ſaid weekly bills of mortality, every ſuch driver being convicted either by confeſſion or by oath of one witneſs before any juſtice of the county, *&c.* wherein ſuch offence is committed, ſhall for every offence forfeit any ſum not exeeeding 20 *s.* or be committed to the houſe of correction or ſome other priſon of the county, *&c.* in which the offence is committed or the offender apprehended, to be kept to hard labour for any time not exceeding one calendar month, as ſuch juſtice ſhall order.

LXXI. *Sect.* 8. If any perſon ſet any empty waggon or other carriage in any public highway within this kingdom, ſo as to hinder the free paſſage, except only during ſuch time as ſuch carriage is loading or unloading, being convicted either by confeſſion or by oath of one witneſs, before any juſtice of peace for the county, *&c.* where ſuch offence is committed, he ſhall for every ſuch offence forfeit any ſum not exceeding 20 *s.* to be levied by diſtreſs and ſale of the offender's goods, by warrant of any juſtice of peace; and for want of ſufficient diſtreſs, ſuch juſtice is to commit ſuch offender to the houſe of correction or ſome other priſon of the county, *&c.* in which the offence is committed or the offender apprehended, to be kept to hard labour for any time not exceeding one calendar month.

LXXII. *Sect.* 9. If the driver of any waggon or other carriage on any public highway, ride upon ſuch carriage, not having ſome other perſon on foot or on horſeback to guide the ſame (ſuch carriages as are drawn by one horſe only or by two horſes abreaſt, and conducted by ſome perſon holding the reins excepted) or if the driver of any carriage on any highways by negligence or wilful miſbehaviour cauſe any damage to any perſon upon ſuch highway; or by negligence or wilful miſbehaviour interrupt the free paſſage of any other carriage, or of his Majeſty's ſubjects on the highways, or if the driver of any empty waggon or other carriage, neglect to turn aſide and make way for any coach, chariot, chaiſe, loaded waggon, cart or other loaded carriage; every ſuch driver offending in any of the caſes aforeſaid, and being convicted either by confeſſion or by oath of one witneſs before any juſtice of peace of the county, *&c.* where ſuch offence is committed, ſhall for every ſuch offence forfeit any ſum not exceeding 20 *s.* to be levied by diſtreſs and ſale of the offender's goods by warrant of any juſtice of peace; and for want of ſufficient diſtreſs, ſuch juſtice is to commit ſuch offender to the houſe of correction or other priſon of the county, *&c.* in which the offence is committed or the offender apprehended, to be kept to hard labour for any time not exceeding one month.

LXXIII. *Sect.* 10. All penalties for offences againſt this act on the public highways ſhall be applied one moiety to the informer, and the other moiety to the ſurveyor of the highways in the pariſh wherein ſuch offence is committed, to be by him applied in the repair of the highways within ſuch pariſh.

LXXIV. *Sect.* 11. If any perſon apprehended for any offence againſt this act refuſe to diſcover his name and place of abode to the juſtice before whom he is brought, he ſhall be delivered over to a conſtable or other peace officer, and by him be conveyed to the common gaol or houſe of correction of the county, *&c.* where the offence is committed, there to remain until he declare his name and place of abode to the ſaid juſtice, or to ſome other juſtice of the county.

LXXV. *Sect.* 12. The pecuniary forfeitures by this act incurred, and for levying whereof no proviſion is before made, ſhall be levied by diſtreſs and ſale of the goods of every ſuch offender (rendering to him the overplus after the charges deducted) by warrant of the juſtice before whom the offender was convicted. And one moiety of all forfeitures whereof the application is not before directed, ſhall be paid to the perſon who proſecutes to conviction, and the other moiety to the overſeers of the

poor

poor of the pariſh or place in which the offence is committed, or the offender apprehended; and if there be no overſeers then to ſome other officer for the uſe of the poor of ſuch pariſh.

LXXVI. *Sect.* 13. Any perſon who ſhall ſee any of the offences before mentioned committed, may by authority of this act and without any other warrant apprehend the offender, and ſhall with all ſpeed convey ſuch offender to a conſtable or ſome other peace officer of the county, *&c.* in which the offence is committed or the offender apprehended, in order to be conveyed before ſome juſtice of peace of ſuch county, *&c.*

LXXVII. *Sect.* 14. In all actions, trials and other proceedings in purſuance of this act, or in relation to any thing herein, any inhabitant of the pariſh or place in which any offence is committed contrary to this act, or the 18 *Geo.* 2. *cap.* 33. ſhall be a competent witneſs.

LXXVIII. *Sect.* 15. No perſon by this act puniſhed for any offence ſhall be puniſhed for the ſame offence under any other law. And if any action be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue: and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover double coſts.

Coals and coal-trade.

LXXXVI. **Stat.** 13 *Geo.* 2. *cap.* 21. *ſect.* 1. If any perſon wilfully and maliciouſly divert or cauſe to be diverted water from any river, brook, watercourſe, channel or land flood, or convey or cauſe to be conveyed water into any coal work, mine, pit or delph of coal, or into any ſubterraneous cavities or paſſages, or make any ſubterraneous cavities with deſign thereby to deſtroy or damage any coal-work, *&c.* belonging to any other perſon, or wilfully and maliciouſly deſtroy or obſtruct any ſough or ſewer (which has been a ſough or ſewer in common for 50 years) made for draining any coal-work, *&c.* or attempt any ſuch miſchievous practice, or aſſiſt therein; every ſuch perſon ſhall for every offence forfeit to the party aggrieved treble damages, and coſts of ſuit, to be ſued for by action of debt, *&c.* in any court of record at *Weſtminſter*.

LXXXVII. *Sect.* 2. Nothing in this act ſhall reſtrain any perſon, being the owner of any ſough, drain or ſewer, from deſtroying, obſtructing or diverting, any ſuch ſough, drain or ſewer, as he may now lawfully do.

LXXXVIII. **Stat.** 14 *Geo.* 2. *cap.* 41. *ſect.* 3. For all coals which ſhall be uſed in fire engines for draining water out of the mines of tin and copper in *Cornwall*, and for which duties have been firſt paid, a drawback ſhall be allowed of all ſuch duties, upon proof by oath before the cuſtomer or collector of the ſaid duties that ſuch coals have been ſo uſed; which drawback ſhall be paid by the collector of the ſaid duties to the perſon ſo making proof.

LXXXIX. **Stat.** 17 *Geo.* 2. *cap.* 35. *ſect.* 1. The juſtices of peace of the ſeveral counties in *England*, *Wales*, and of *Berwick*, or three of them, whereof one to be of the *quorum*, ſhall be impowered to ſet the prices of coals called ſea-coals, brought by ſea into any rivers, creeks or ports, and ſold by retail in any places in *England*, *Wales* and *Berwick*; and if any ingroſſer or retailer of ſuch coals refuſe to ſell as aforeſaid, the juſtices are to appoint perſons to enter into any place where ſuch coals are ſtored; and in caſe of refuſal, taking a conſtable to force entrance, and the ſaid coals to ſell at ſuch rates, rendering to ſuch ingroſſer or retailer the money, charges deducted. And if any action be commenced againſt the juſtice, conſtable, or any perſon for any thing done in purſuance of this act, the defendant may plead the general iſſue; and if the verdict be found for him ſhall recover his damages and treble coſts.

XC. *Sect.* 2. No perſon having intereſt in any wharf uſed for the receiving and uttering coals, or that trades in the ſale of coals, ſhall act in the ſetting the price of coals. *See* Par. II.

XCI. **Stat.**

XCI. Stat. 19 *Geo.* 2. *cap.* 35. *ſect.* 1. There ſhall be erected and continued within the city and liberty of *Weſtminſter*, one public office which ſhall be called the *Land Coal-meters office* for the city and liberty of *Weſtminſter*, which ſhall be managed by two perſons appointed by his Majeſty, who ſhall be called the *Principal Land Coal-meters for the city and liberty of* Weſtminſter; and ſuch office ſhall be kept open every day (*Sundays* excepted) from the 25th of *March* to the 29th of *September* yearly, from five till twelve in the forenoon, and from one till eight in the afternoon; and from the 29th of *September* to the 25th of *March* yearly, from ſeven till twelve in the forenoon, and from one till ſix in the afternoon.

XCII. *Sect.* 2. No perſon ſhall be capable of acting as one of the principal land coal-meters, until he ſhall before two juſtices of peace for *Weſtminſter* take an oath in the words following; to wit,

I A. B. *do ſwear, that I will truly and faithfully, according to the beſt of my judgment and ability, execute the office of one of the principal land coal-meters for the city and liberty of* Weſtminſter, *and for that part of the duchy of* Lancaſter *adjoining thereto; and for the ſeveral pariſhes of Saint* Giles in the Fields, *Saint* Mary le Bon, *and for ſuch part of the pariſh of Saint* Andrew Holborn, *as lies in the county of* Middleſex.

So help me God.

XCIII. *Sect.* 3. It ſhall be lawful for the ſaid principal land-coal-meters or any one of them to appoint a ſufficient number of perſons to be labouring coal-meters within the ſaid city and liberty, and the aforeſaid part of the duchy of *Lancaſter*, and in the ſaid pariſhes, and the aforeſaid part of the pariſh of Saint *Andrew Holborn*; one of whom ſhall attend every day (*Sundays* excepted) at ſuch of the coal wharfs or other places of ſale, within the ſaid limits, at which he ſhall be ſtationed by the principal land coal-meters, from the 25th of *March* to the 29th of *September* yearly, from five till twelve in the forenoon, and from one till eight in the afternoon; and from the 29th of *September* to the 25th of *March* yearly, from ſeven till twelve in the forenoon, and from one till ſix in the afternoon, to meaſure out the coals ſold at the wharfs or warehouſes, where he is ſtationed.

XCIV. *Sect.* 4. No perſon ſhall be capable of acting as a labouring coal-meter, until he ſhall before two juſtices of peace for *Weſtminſter* take an oath in the words following; to wit,

I A. B. *do ſwear, that I will duly and ſvithfully, to the beſt of my ſkill and knowledge, execute the office of one of the labouring coal-meters for the ſaid city and liberty of* Weſtminſter, *and for that part of the duchy of* Lancaſter *adjoining thereto, and for the ſeveral pariſhes of Saint* Giles in the Fields, *and for Saint* Mary le Bon, *and for ſuch part of the pariſh of Saint* Andrew Holborn, *as lies in the county of* Middleſex; *and will well and truly, according to the beſt of my ſkill and judgment, meaſure coals between buyer and ſeller, without favour or ill-will.*

So help me God.

And the juſtices who adminiſter the ſaid oaths ſhall certify the taking thereof to the next general quarter-ſeſſions for *Middleſex*, there to remain on record.

XCV. *Sect.* 5. If any lighterman or other perſon, after coals delivered on board any lighter or craft out of any ſhip, break bulk before the time of delivery at the wharf, in the abſence of a meter, (or of the conſumer or his agent, where the meter is not obliged to attend the delivery) he ſhall for every offence forfeit 5 *l.*

XCVI. *Sect.* 6. The ſtations for the ſaid labouring coal-meters at the ſaid wharfs, ſhall be varied as the principal coal-meters, or any of them think fit.

XCVII. *Sect.* 7. All contracts for coals to be delivered within the city and liberty of *Weſtminſter*, or the aforeſaid part of the ſaid duchy, or the ſaid pariſhes, or the aforeſaid part of the pariſh of Saint *Andrew Holborn*, directly from any lighter, *&c.* to the conſumer (not being leſs than five chalder) ſhall be for pool meaſure, including the ingrain of one chalder in every ſcore, according to the cuſtom of the

port of *London*, though the term of pool meaſure be omitted in any written or verbal contract for that purpoſe.

XCVIII. *Sect.* 8. All coals delivered as pool meaſure at any wharf within the ſaid city and liberty, or the ſaid part of the ſaid duchy, ſhall be loaded ſeparately in the craft with the ingrain, and ſhall be ſo filled and delivered without being meaſured by the buſhel, unleſs the buyer deſire to have the ſame ſo meaſured.

XCIX. *Sect.* 9. All coals ſold as wharf meaſure within the ſaid city and liberty, or the aforeſaid part of the ſaid duchy, or the ſaid pariſhes, or the aforeſaid part of the pariſh of Saint *Andrew Holborn*, ſhall be meaſured in the preſence of one of the labouring coal-meters, as is directed by 16 & 17 *Car.* 2. *cap.* 2. Par. II. and the labouring coal-meters ſhall fill up any buſhel that appears deficient, out of the ſtock of the perſon vending the ſaid coals.

C. *Sect.* 10. Four pence by the chalder, for every chalder of coals ſold and delivered at any wharf or place within the ſaid limits, ſhall be paid by the ſeller to the principal land coal-meters or to the labouring coal-meters for the purpoſes following, *viz.* one moiety for the uſe of the principal coal-meters, and the other moiety for the uſe of the labouring coal-meters; and thereupon ſuch principal land coal-meters ſhall deliver to every ſeller of ſuch coals, or the carman who carries the ſame, a ticket ſigned by the principal land coal-meters or one of them, and counterſigned by the labouring coal-meter attending and delivering the ſame, in which ſhall be contained as well the chriſtian and ſurname of the ſellers, as of the conſumers, the quantity and quality, the price *per* chalder, and the day of the week, month and year of the ſales, delivery and admeaſurement, the amount of the metage charge, and the names of the carmen; which ticket, the metage being paid, ſhall be delivered by the labouring coal-meter counterſigning the ſame to the carman, and by the carman to the conſumer or his ſervant; and thereupon he ſhall pay to the ſeller the metage therein ſpecified; and if the labouring coal-meter counterſigning ſuch ticket ſhall after payment of the metage refuſe to deliver ſuch ticket to the carman, he ſhall for every ſuch offence forfeit 5 *l.* and if ſuch carman either alter or neglect to deliver the ſame ticket to the conſumer, or to the ſervant who attends to receive the coals, he ſhall forfeit for every ſuch offence 5 *l.*

CI. *Sect.* 11. If any cart in which more than eight buſhels ſhall be ſent from any place within the ſaid limits, without firſt having obtained ſuch ticket, the vender of the ſaid coals and the driver of ſuch cart being convicted by the oaths (or if by Quakers, by affirmation) of two witneſſes before one juſtice of peace for *Weſtminſter* or *Middleſex*, ſhall for every offence forfeit as follows, *viz.* the vender 50 *l.* and the driver 5 *l.*

CII. *Sect.* 12. If any meter appointed by virtue of this act deliver any falſe ticket, or wilfully make any falſe meaſure, and be convicted by the oaths (or if by Quakers, affirmations) of any two witneſſes before any juſtice of peace for the ſaid liberty or county, he ſhall be incapable of acting as a coal-meter, and forfeit 5 *l.*

CIII. *Sect.* 13. No coals belonging to any dealer above eight buſhels under any one contract, ſhall be ſent from any wharf or ſtorehouſe within the ſaid limits, except in the preſence of one labouring coal-meter.

CIV. *Sect.* 14. This act ſhall not extend to the owners of any works for raiſing water by fire, nor who at any time have 20 chalders of coals or upwards, in any lighter or other crafts, and who ſhall not vend ſuch coals, but they may have 20 chalder of coals or more delivered under the inſpection of their own agent in the abſence of a meter, and in that caſe ſuch perſons are hereby exempted from payment of metage charge; but if they require the attendance of any meter appointed in purſuance of this act, then they ſhall pay the metage charge of 4 *d.* by the chalder.

CV. *Sect.* 15. If any ſuch labouring coal-meter willingly ſuffer any coals ſold as wharf meaſure (exceeding the quantity of eight buſhels) to be ſent from any wharf or warehouſes within the ſaid limits, without being meaſured as is herein directed, and give not information thereof to the principal land coal-meters or their deputies at the ſaid office, within two days after, and be convicted thereof by the oaths of two witneſſes, ſuch labouring coal-meter ſhall from thenceforth be incapable of acting as a labouring coal-meter within the ſaid limits, and forfeit 5 *l.*

CVI. *Sect.*

CVI. *Sect.* 16. If any dealer in coals directly or indirectly give to any labouring coal-meter appointed in purſuance of this act, any fee, other than the ſum of 4 *d.* by the chalder; or if any labouring coal-meter directly or indirectly receive from any dealer any ſuch fee, other than the ſum of 4 *d.* by the chalder; every ſuch dealer ſhall for every ſuch offence forfeit 50 *l.* and the labouring coal-meter who received ſuch fee, ſhall be from thenceforth incapable of acting as a coal-meter within the ſaid limits, and forfeit 5 *l.*

CVII. *Sect.* 17. If the driver of any cart loaded with coals, or any perſon belonging thereto or employed therewith, deliver any coals under his care, otherwiſe than for the uſe of the owner, and be convicted, he ſhall for every ſuch offence forfeit 5 *l.*

CVIII. *Sect.* 18. If any perſon be diſſatisfied with the meaſure of any coals under this act, the ſame coals ſhall (either upon acquainting the ſeller or the carman, at any time during the delivery thereof, and before the carman be diſcharged) be re-meaſured, either in the preſence of a ſea-coal-meter, from the ſea-coal-meters office in *London*, or one of the meters or their agents appointed in purſuance of this act; for which ſhall be paid 4 *d.* and no more for every chalder; and in caſe the coals thus re-meaſured amount not to the meaſure for which they were originally ſold, the ſellers are hereby made liable to the penalties inflicted by law for offences of this ſort.

CIX. *Sect.* 19. After notice given in writing to the ſeller of ſuch coals or to the carman, and whilſt ſuch coals remain in eitheir of their poſſeſſion, of ſuch diſſatisfaction, ſuch ſeller or carman ſhall not leave the cart in which ſuch coals are laden, but ſhall remain with the ſame and take care both of the coals and cart, till a meter appointed in purſuance of this act can be procured to re-meaſure ſuch coals; and they are on notice delivered, or left at the office in writing, in any of the office hours, to attend for that purpoſe.

CX. *Sect.* 20. No perſon who ſhall be a ſeller of coals, or dealer in or employed in the carrying of coals, or a wharfinger or intereſted in any wharf, ſhall be capable of acting either as a principal or labouring coal-meter.

CXI. *Sect.* 21. The penalties impoſed by this act ſhall be recovered and applied for the purpoſes following, *viz.* ſuch of the penalties as exceed 5 *l.* by action of debt, *&c.* in any court of record at *Weſtminſter*; one moiety of which penalties (that is where each of them exceed 5 *l.*) ſhall be to the uſe of his Majeſty, and the other moiety (with coſts) to the uſe of ſuch perſon who ſhall inform or ſue: and all other penalties ſhall be recovered by way of complaint unto any juſtice of peace for *Weſtminſter* or *Middleſex*, who ſhall call the parties before him and examine ſuch complaint upon oath, (or upon affirmation, in the caſe of quakers) and upon proof grant a warrant for levying ſuch penalties, one moiety to the uſe of the informer, and the other moiety to the uſe of the poor of the pariſh in which ſuch offences are committed; and in caſe ſuch penalties be not after conviction forthwith paid, they ſhall be levied by diſtreſs and ſale of goods of the offenders by warrant of ſuch juſtice, and for want of ſufficient diſtreſs ſuch offender ſhall be committed to the houſe of correction, for any time not exceeding 30 days and not leſs than 14 days, there to be kept to hard labour.

CXII. *Sect.* 22. If any perſon ſo convicted think himſelf aggrieved, he may appeal to the general quarter-ſeſſions for *Middleſex*, next after ſuch conviction (but not afterwards) and that ſeſſions ſhall, at the next ſeſſions after bringing ſuch appeal, finally determine the ſame; and if the appellant ſhall not make good his appeal or proſecute the ſame with effect, the ſeſſions ſhall award coſts, to be then with the penalty adjudged on ſuch conviction paid to the informer, and for want thereof commit the perſon appealing to the common gaol of *Middleſex*, there to remain until he pay ſuch coſts and penalty; but in caſe the appellant make good his appeal and be acquitted of his conviction, the ſame court ſhall award to ſuch appellant reaſonable coſts, to be paid by the perſon on whoſe information ſuch conviction was founded; and for want of ſuch payment ſhall commit ſuch informer to the common gaol of *Middleſex*, there to remain until he pay the coſts ſo awarded; but no conviction by virtue of this act ſhall be quaſhed for want of form only.

CXIII. *Sect.*

CXIII. *Sect.* 23. No writ of *certiorari* ſhall iſſue to remove the record of any conviction or proceedings thereon in purſuance of this act, into any court of record at *Weſtminſter*.

CXIV. *Sect.* 24. If any action be brought for any thing done in purſuance of this act, the ſame ſhall be commenced within ſix months after the fact, and be laid in *Middleſex*; and the defendant may plead the general iſſue, and if the plaintiff be nonſuited *&c.* the defendant ſhall have full coſts.

CXV. *Sect.* 25. This act ſhall be deemed a public act.

CXVI. *Sect.* 26. This act ſhall continue for three years from the 24th of *September* 1746. and from thence to the end of the then next ſeſſion of parliament.

Continued to 24 June 1759. *by* 31 Geo. 2. cap. 35. ſect. 4. *and for ſeven years more, and to the end of the next ſeſſion by* 32 Geo. 2. cap. 27. ſect. 7.

CXVII. **Stat.** 22 *Geo.* 2. *cap.* 37. *ſect.* 1. No officer of the cuſtoms in *Great Britain*, ſhall clear outwards any ſhip wherein coals, culm or cinders ſhall have been exported from *Great Britain* to any place beyond the ſeas, nor grant any warrant cocquet or other diſpatch for the clearing outwards either for a coaſting or foreign voyage any ſuch ſhip, or for the loading on board thereon any goods, nor permit any ſuch ſhip to go out of any port in *Great Britain*, until all the duties payable for ſuch coals, *&c.* exported beyond the ſeas in ſuch ſhip the laſt preceding voyage be paid; or until an authentic certificate under the hands and ſeals of the collector, cuſtomer and comptroller, or other chief officer of the cuſtoms of the port where the coals, *&c.* (ſo exported) were firſt ſhipped, ſignifying that the ſaid duties are paid, be produced; and every officer acting contrary to the meaning of this act, ſhall for every ſuch offence forfeit 100 *l.* to his Majeſty, to be recovered by bill, *&c.* in any court of record at *Weſtminſter*, or in the exchequer at *Edinburgh* reſpectively, wherein no eſſoin, *&c.* ſhall be allowed.

CXVIII. *Sect.* 2. If any action be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue; and if the plaintiff be nonſuited *&c.* the defendant ſhall recover treble coſts.

CXIX. *Sect.* 3. If any maſter or other perſon taking charge of any veſſel whereon coals, culm and cinders are laden in any port in *Great Britain*, in order to be carried coaſtwiſe to ſome other port within the realm, or having given bond accordingly, proceed with his ſaid loading of coals, *&c.* to parts beyond the ſeas, and there unlade and diſpoſe of the ſame, not being compelled thereto by ſtreſs of weather or other lawful neceſſity, he ſhall for every ſuch offence forfeit for every chalder of coals, *&c.* ſo exported contrary to this act 5 *s.* over and above all duties payable for the ſame, to be recovered by action of debt, *&c.* in any court of record at *Weſtminſter*, or in the exchequer at *Edinburgh* reſpectively, wherein no eſſoin, *&c.* ſhall be allowed, one moiety to the uſe of his Majeſty, and the other moiety to the uſe of ſuch perſon as ſhall inform or ſue.

CXX. **Stat.** 23 *Geo.* 2. *cap.* 26. *ſect.* 4. If either of the principal land coal-meters appointed by virtue of 19 *Geo.* 2. *cap.* 35. neglect to ſtation labouring coal-meters at the wharfs and at the times by the ſaid act directed, he ſhall for every ſuch offence forfeit 10 *l.* and if any labouring coal-meter ſo ſtationed ſhall not attend and perform his duty, he ſhall for every ſuch offence forfeit 40 *s.* which penalties ſhall be recovered and applied as any other penalty is directed by the ſaid act.

CXXI. **Stat.** 30 *Geo.* 2. *cap.* 19. *ſect.* 28. There ſhall be paid to his Majeſty, for every chalder of coals, *Newcaſtle* meaſure, ſhipped for exportation beyond the ſeas, except to *Ireland*, the *Iſle of Man*, or his Majeſty's plantations, an additional duty of 4 *s.* and after the ſame rate for any greater or leſs quantity, over and above the duties now payable: to be collected and paid in the ſame manner and under ſuch penalties, as the former duties on the exportation of coals.

CXXII. *Sect.* 29. The monies ariſing from the ſaid additional duty and paid into the receipt of the exchequer, ſhall be entered apart from all other monies; and ſhall be part of the fund eſtabliſhed by this act.

CXXIII. **Stat.**

CXXIII. **Stat.** 31 *Geo.* 2. *cap.* 15. *ſect.* 1. It ſhall be lawful for any perſon during 15 years, and from thence to the end of the then next ſeſſion of parliament, to export any quantity of culm to *Liſbon* in *Portugal*, upon payment of a duty of 1 *s.* for every chalder *Newcaſtle* meaſure, and after that rate for any greater or leſſer quantity; ſo as the exporter before the lading of ſuch culm become bound with other ſufficient ſecurity in treble the value to the commiſſioners or chief officer of the cuſtoms, belonging to the port where ſuch culm is ſhipped (who have hereby power to take ſuch ſecurity in his Majeſty's name and to his uſe, and for which ſecurity no fee ſhall be given) that ſuch culm ſhall be landed at *Liſbon* in *Portugal*, and not elſewhere; and that a certificate under the hand and ſeal of the *Britiſh* conſul general, or deputy conſul reſiding at *Liſbon*, ſhall within twelve calendar months from the date of the ſaid bonds (danger of the ſeas and enemies excepted) be returned to the officers who took the ſaid bonds, that ſuch culm hath been landed at *Liſbon*; and in caſe the ſhip on which any culm is put on board, for which ſuch ſecurity ought to be given, go out of the port before ſuch ſecurity is given, the ſhip and the culm therein or the value ſhall be forfeited, and may be recovered, one moiety to the uſe of the king, and the other moiety to the perſon who will ſeize, inform or ſue.

CXXIV. *Sect.* 2. The ſaid duty on culm exported to *Liſbon* ſhall be raiſed in the ſame manner, and under ſuch penalties as the duties payable upon the exportation of coals.

CXXV. *Sect.* 3. If any action be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue; and if the plaintiff be nonſuit, *&c.* the defendant ſhall recover treble coſts.

CXXVI. **Stat.** 32 *Geo.* 2. *cap.* 27. *ſect.* 1. If the driver of any cart loaded with coals, or any perſon belonging thereto, or employed therewith, deliver, or ſuffer to be delivered from ſuch cart any coals under his care, otherwiſe than for the uſe of the owner, and be convicted as in the 19 *Geo.* 2. *cap.* 35. is mentioned; he ſhall for every ſuch offence be publicly whipt, or committed to the houſe of correction for three months.

CXXVII. *Sect.* 2. In caſe any perſon be diſſatisfied with the meaſure of any coals, and ſuch coals be remeaſured in purſuance of the 19 *Geo.* 2. *cap.* 35. and upon ſuch remeaſuring fall ſhort of the quantity, for which the ſame were originally ſold and meaſured; then the principal coal-meter ſhall for every buſhel which they fall ſhort forfeit 40 *s.* to be recovered and applied as the penalties inflicted by the 19 *Geo.* 2. *cap.* 35.

CXXVIII. *Sect.* 3. If any labouring coal-meter deliver a ticket for any quantity of coals, without having ſeen the meaſuring of the whole quantity expreſſed in ſuch ticket, the principal coal-meters ſhall forfeit 5 *l.* to be recovered and applied as the penalties inflicted by the 19 *Geo.* 2. *cap.* 35. And every labouring coal-meter ſo offending, upon complaint to a juſtice of peace for *Weſtminſter* or *Middleſex*, and upon proof to his ſatisfaction, ſhall be committed to the houſe of correction, and be kept to hard labour for any time not exceeding 30 days, and ſhall be for ever incapable of acting as a labouring coal-meter under this act.

CXXIX. *Sect.* 4. After the 24th of *December* 1759, all ſacks made uſe of for the carriage of coals within the limits mentioned in 3 *Geo.* 2. *cap.* 26. Par. LXVII. ſhall be 4 feet 4 inches in length, and 26 inches in breadth after they are made; nor ſhall any of leſs dimenſions be ſealed or marked at *Guildhall* in *London*, or the exchequer-office at *Weſtminſter*: and if any perſon dealing in coals within the limits aforeſaid, uſe ſacks of any leſs dimenſions than before directed, every ſuch perſon ſhall for every offence forfeit 40 *s.* to be recovered and applied as the penalties inflicted by 19 *Geo.* 2. *cap.* 35.

CXXX. *Sect.* 5. If any perſon employed as a labouring coal-meter ſuffer any coal-ſacks to be made uſe of for the carriage of coals, leſs than 4 feet in length and two feet in breadth, withinſide the ſack, or neglect to perform his duty at the wharfs, as in the 19 *Geo.* 2. *cap.* 35. is directed, he ſhall for every ſuch offence forfeit 40 *s.* to be recovered and applied as the penalties inflicted by the ſaid act.

CXXXI. *Sect.* 6. Such juſtice upon every ſuch complaint is to ſummon the parties before him and to examine ſuch complaint upon oath, (or affirmation if the witneſs be a quaker) and upon proof of ſuch offence to his ſatisfaction, to grant a warrant for the commitment of ſuch offender to the houſe of correction, there to be dealt with as aforeſaid.

CXXXII. *Sect.* 7. After the commencement of this act, none of the proviſions made by the 19 *Geo.* 2. *cap.* 35. or by this act relating to the payment of any ſums of money for the admeaſurement or inſpection of the admeaſurement of coals, or to the puniſhment of any dealer in coals or carter, on account of ſending coals from any place within the limits aforeſaid, ſhall be in force, except where the buyer ſhall have ſignified, by notice in writing to one of the principal coal-meters, or one of the labouring coal-meters, his deſire to have the attendance of a coal-meter to inſpect the admeaſurement of his coals, and where a coal-meter ſhall purſuant to ſuch notice attend and inſpect the admeaſurement of the whole quantity of ſuch coals.

CXXXIII. *Sect.* 8. The 19 *Geo.* 2. *cap.* 35. continued by 23 *Geo.* 2. *cap.* 25. and 24 *Geo.* 2. *cap.* 57. and 31 *Geo.* 2. *cap.* 35. and all the proviſions in the ſaid acts which are now in force, (other than ſo far as any of them are varied by this act) ſhall be put in execution during the continuance of this act; and this act ſhall take effect from the 24th of *June* 1759, for 7 years next enſuing, and to the end of the then next ſeſſion of parliament; and ſhall be a public act.

CXXXIV. **Stat.** 33 *Geo.* 2. *cap.* 15. *ſect.* 1. If any perſon have occaſion to carry any culm to be uſed for the burning of lime in any veſſels not exceeding 30 tons burthen, from any place within the port of *Milford* or the limits thereof, to any place within the counties of *Pembroke*, *Carmarthen*, *Cardigan* or *Merioneth*, the maſter of ſuch veſſel may apply to the collector of the ſaid port or his deputy, for a ſufferance to ſhip ſuch culm, and the ſaid collector or his deputy are to grant every ſuch maſter a ſufferance accordingly, in which ſhall be inſerted the quantity of culm ſo to be ſhipped: and the officer to whom the ſufferance ſhall be directed is to attend the ſhipping all the culm expreſſed in the ſufferance, and to certify on the back of the ſufferance the quantity: and the maſter or owner ſhall pay to the collector 1 *s.* for every chalder of ſuch culm: and the collector or his deputy ſhall, upon receipt of ſuch duty, grant a certificate under the ſeal of his office to ſuch maſter, ſetting forth the quantity of culm ſhipped and that the duties have been paid; and ſuch certificate ſhall be a clearance for ſuch veſſel to any place within the counties aforeſaid; for which certificate it ſhall be lawful for ſuch collector or his deputy, to receive 1 *s.* and no more: and it ſhall not be lawful for the ſaid collector or any other officer to take any other fee.

CXXXV. *Sect.* 2. The maſter of every ſuch veſſel on board whereof any culm ſhall have been ſhipped within the limits aforeſaid, ſhall upon his return to *Milford* make oath before the collector of the ſaid port or his deputy, of the place where and the time when he landed his former cargo of culm; and ſuch maſter ſhall not be permitted to ſhip any other cargo of culm until he have made oath as aforeſaid: and in caſe ſuch maſter ſhall fraudulently change either his own name or the name of the veſſel, to prevent a diſcovery of the place to which he carried his former cargo of culm, and ſhall be convicted either upon confeſſion or upon the oath of one witneſs, before any juſtice of peace of the county where the offence ſhall be committed, he ſhall for every ſuch offence forfeit 5 *l.* and it ſhall be lawful for the ſaid collector or any perſon he ſhall appoint to ſeize ſuch veſſel, and detain the ſame, until the ſaid 5 *l.* be paid and the charges of ſeizing and detaining; which penalty of 5 *l.* ſhall be applied as other penalties by the laws relating to the cuſtoms.

CXXXVI. *Sect.* 3. Whenever any culm ſhipped at any place within the limits aforeſaid for which the duty hath been paid ſhall be loſt, proof being made upon oath before the collector of ſuch port or his deputy, ſuch collector or his deputy ſhall permit the owner to ſhip the like quantity of culm duty-free, and without any charge other than the fee of 1 *s.*

Cochineal and Indico.

The 7 Geo. 2. cap. 18. *is continued to* 29 Sept. 1767, *&c. by* 33 Geo. 2. cap. 16.

V. **Stat.** 21 *Geo.* 2. *cap.* 30. *ſect.* 1. Every perſon who ſhall import into this kingdom directly from any of the *Britiſh* plantations in *America*, in any ſhip that may lawfully trade to the plantations, manned as by law is required, any good and merchantable indico free from any falſe mixtures and fit for dyers uſe, being the growth or product of the plantation from whence the ſame is imported, ſhall have a reward after the rate of ſix-pence for every pound weight, to be paid by the collector of the port where imported, out of the cuſtoms; and in caſe the collector of the port ſhall not have money ſufficient in his hands, he is to certify the ſame to the commiſſioners of the cuſtoms, who ſhall cauſe the ſame to be paid by the receiver general of the cuſtoms: the bounty of the indico imported into *England* to be paid by the receiver general of the cuſtoms in *England*, and of that imported into *Scotland* to be paid by the receiver general there.

VI. *Sect.* 2. Every perſon loading any indico in any of the *Britiſh* plantations in *America*, ſhall before the clearing out of the ſhip for any port of *Great Britain*, produce to the governor, lieutenant governor, collector and comptroller of the cuſtoms, and naval officer, or any two of them, a certificate ſigned and ſworn to before any juſtice of peace in the ſaid *Britiſh* plantations by the planter of the indico, or his known agent, that a quantity of indico expreſſing the weight had been ſent from the ſaid planter's indico work where the ſame was made, in order to be ſhipped off or ſold to the perſon therein named, and was of the growth of the ſaid planter's plantation, ſituate in the diſtrict of within the iſland or colony of which certificate ſhall be atteſted by the ſaid juſtice of peace to have been ſigned and ſworn to in his preſence, without fee.

VII. *Sect.* 3. The trader ſhall at the time of his producing ſuch certificate ſign alſo a certificate before the ſaid governor, lieutenant governor, collector and comptroller of the cuſtoms, and naval officer, or any two of them, that the indico which he has ſhipped is the ſame mentioned in the ſaid certificate; and thereupon the ſaid governor, lieutenant governor, collector and comptroller of the cuſtoms, and naval officer or two of them, are to deliver to ſuch perſon a certificate under their hands and ſeals of office, of having received ſuch certificate, and the certificate of the planter or his agent; and no perſon importing indico ſhall be intitled to the reward, unleſs he produce ſuch certificate to the chief officer of the cuſtoms at the port in *Great Britain*, where the ſame ſhall be imported.

VIII. *Sect.* 4. On the importation of any indico into *Great Britain*, a certificate ſhall be given by the maſter of the ſhip that the ſame was ſhipped in the plantation mentioned in the ſaid certificate; and alſo a certificate ſigned by the ſurveyors, land waiters or ſearchers, or any two of them, officers of the cuſtoms of the port of importation, ſpecifying the weight, and that the indico is good and merchantable, free from falſe mixtures and of ſuch quality as to be intitled to the reward; which certificate the ſaid officers are to grant within 10 days after the landing, unleſs they can aſſign ſufficient cauſe for their refuſal; upon producing which ſeveral certificates to the proper officer, he is to pay the *Præmium* to the importer.

IX. *Sect.* 5. If any perſon make an entry of foreign made indico, under the name of *Britiſh* plantation made indico, or mix any foreign indico or other falſe mixture with that made in the *Britiſh* plantations, in order to claim the *Præmium*, ſuch perſon ſhall forfeit all ſuch indico ſo entered; and in caſe of ſuch mixture, the quantity ſo mixed both foreign and *Britiſh* plantation-made, and likewiſe double the value ſhall be forfeited by the perſon making ſuch mixture.

X. *Sect.* 6. No certificate ſhall be made to allow the *Præmium* for ſuch indico, that is not good and merchantable, and free from any falſe mixture.

XI. *Sect.* 7. The officers of the cuſtoms before they make out any ſuch certificate, ſhall examine the indico by opening ſuch package and ſhifting the ſame, in ſuch manner as to ſee the whole contents.

XII. *Sect.*

XII. *Sect.* 8. No certificate ſhall be granted by any officer of the cuſtoms for any indico which is not worth 3 *s.* the pound weight, when the beſt *French* or other indico of equal goodneſs with the beſt *French* is worth 4 *s.* the pound weight; and ſo in proportion, in caſe the price of the beſt *French* be higher or lower.

XIII. *Sect.* 9. In caſe any diſpute ariſe between the officers of the cuſtoms, and the importers of indico imported into the port of *London*, as to the quality of the ſame, it ſhall be lawful for the commiſſioners of the cuſtoms to call two or more dyers, dry-ſalters, brokers or others ſkilled in that commodity, who ſhall declare upon oath their opinion as to the quality of the ſame; and if any diſpute ariſe as to the quality of the indico imported into the out-ports of *England*, ſamples thereof ſhall be ſent up to the commiſſioners of the cuſtoms at *London*, and into the out-ports in *Scotland*, to the commiſſioners of the cuſtoms at *Edinburgh*, to be adjudged there as before-mentioned.

XIV. *Sect.* 10. No fee ſhall be taken by any officer of the cuſtoms, for the examining or delivering ſuch indico with reſpect to the reward, or for the ſigning any of the certificates or for paying the rewards; and any officer demanding or taking ſuch fee ſhall forfeit his office and be incapable of ſerving his Majeſty, and ſhall forfeit 100 *l.*

XV. *Sect.* 11. All certificates or debentures made out purſuant to this act, ſhall not be chargeable with any of the ſtamp duties.

XVI. *Sect.* 12. If any indico made in the *Britiſh* plantations in *America* ſhall be exported from *Great Britain*, the perſon exporting ſhall before the entry thereof pay unto the collector of the cuſtoms at the port where exported or to the chief officer of the cuſtoms there, the ſum of 6 *d.* for every pound weight, which is allowed as a *præmium* by this act, on all ſuch indico as he intends to export, over and above any duty the ſame is now ſubject to.

XVII. *Sect.* 13. If any perſon or his agent fraudulently export ſuch indico, without paying ſuch *præmium* to the collector or chief officer of the cuſtoms, ſuch perſon ſhall forfeit all ſuch indico and double the value.

XVIII. *Sect.* 14. If any doubt ariſe whether any of the indico ſo to be exported, is of the growth of the *Britiſh* plantations in *America*, the *onus probandi* ſhall lie on the owner.

XIX. *Sect.* 15. If any perſon falſly make a certificate of the produce and manufacture of any indico, not being the produce and manufacture of the *Britiſh* plantations in *America*, or counterfeit any ſuch certificate in order to obtain the *præmium*, he ſhall forfeit 200 *l.* and if he be an officer of the cuſtoms he ſhall forfeit his office, and be incapable of ſerving his Majeſty.

XX. *Sect.* 16. The penalties by this act inflicted ſhall be recovered by bill, *&c.* in any court of record at *Weſtminſter*, or in the court of exchequer in *Scotland*, or in any of the courts of admiralty in the plantations in *America*; wherein no eſſoin, *&c.* ſhall be allowed.

XXI. *Sect.* 16. All penalties by this act impoſed ſhall, if in *Great Britain*, be applied one moiety to the uſe of his Majeſty, and the other moiety to ſuch perſon as ſhall ſue; and all ſuch penalties in the plantations in *America* ſhall be applied one third to the uſe of his Majeſty, one other third to the uſe of the governor of the plantation where the forfeiture is incurred, and the remaining third to ſuch perſon who ſhall ſue.

XXII. *Sect.* 18. If any action be commenced for any thing done in purſuance of this act, every ſuch action if in *Great Britain* ſhall be commenced within ſix months after the fact committed; and if in the *Britiſh* plantations in *America*, within 18 months after the fact; and the defendant may plead the general iſſue, and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts.

XXIII. *Sect.* 19. This act ſhall continue for ſeven years from the 25th of *March* 1749. and to the end of the then next ſeſſion of parliament.

Continued to 25 March 1770. *and to the end of the next ſeſſion by* 3 Geo. 3. cap. 25.

Coffee, tea, chocolate and cocoa paſt.

The 5 Geo. 2. c. 24. *is continued to* 24 June 1766, *&c. by* 32 Geo. 2. c. 23. ſect. 5.

LXV. **Stat.** 18 *Geo.* 2. *cap.* 26. *ſect.* 1. The inland duty of 4 *s. per* pound upon tea, granted by 10 *Geo.* 1. *cap.* 10. ſhall ceaſe.

LXVI. *Sect.* 2. In lieu of the ſaid duty, the inland duties after-mentioned ſhall be charged upon all tea ſold in *Great Britain*, *viz.* 1 *s. per* pound weight averdupoize, and in proportion for a greater or leſſer quantity, and alſo a further duty of 25 *l.* for every 100 *l.* of the groſs price at which ſuch tea ſhall be ſold at the public ſales of the *Eaſt India* company, and proportionably for a greater or leſſer ſum, over and above all duties payable upon importation; which ſaid duties ſhall be paid in ready money by the proprietor to the receiver of the inland duties, before ſuch proprietor receives out ſuch tea from the warehouſes, wherein the ſame is appointed to be lodged by the 10 *Geo.* 1. *cap.* 10.

LXVII. *Sect.* 3. Such commiſſioners as are appointed in purſuance of the 10 *Geo.* 1. *cap.* 10. ſhall be commiſſioners for the management of the inland duties by this act charged upon tea; and all the powers, rules, penalties and clauſes, (not altered by this act) which by the ſaid act are provided for levying or aſcertaining the ſaid duty of 4 *s. per* pound weight thereby granted, or by any other act concerning the duty upon tea, ſhall be applied for the raiſing the duties by this act granted.

LXVIII. *Sect.* 4. All monies ariſing by the inland duties by this act charged ſhall be appropriated to the ſame uſes, as the duty of 4 *s. per* pound was appropriated by the 10 *Geo.* 1. *cap.* 10. and ſhall be ſubject to the ſame redemption by parliament.

LXIX. *Sect.* 5. No drawback ſhall be allowed for any tea exported, and no debenture ſhall be granted in order to the drawing back of the duties upon any tea exported.

LXX. *Sect.* 6. The commiſſioners for the management of the ſaid inland duties, or major part of them, ſhall have power to conſtitute officers for attending the public ſales of the *Eaſt India* company, and take an account of the names of the buyers, and price at which each lot of tea ſold, and ſhall make reports in writing upon oath to the ſaid commiſſioners; and from ſuch reports the charge of the duty of 25 *l. per cent.* upon the groſs price ſhall be aſcertained; and ſuch officers at any time, upon requeſt to the court of directors of the ſaid company, may inſpect all books kept for taking an account in behalf of the ſaid company, of the prices that tea ſhall be ſold for at their public ſales; which books the ſaid directors ſhall produce to ſuch officers.

LXXI. *Sect.* 7. Every perſon who ſhall at any public ſale of tea made by the ſaid company, be declared to be the beſt bidder for any lot of tea, ſhall within three days depoſit with the ſaid company, or ſuch clerk as they ſhall appoint, 40 *s.* for every tub and cheſt of tea; and in caſe any ſuch perſon neglect to make ſuch depoſit, he ſhall forfeit ſix times the value of ſuch depoſit, to be recovered by action of debt, *&c.* in any court of record at *Weſtminſter*, wherein no eſſoin, *&c.* ſhall be allowed; one moiety to his Majeſty, and the other moiety to ſuch perſon as ſhall ſue; and the ſale of all teas, for which ſuch depoſit is neglected, ſhall be void; and all ſuch teas ſhall be again put up by the ſaid company to public ſale, within 14 days after the end of the ſale at which they were ſold; and all buyers who neglected to make ſuch depoſit, ſhall be incapable of buying any teas at any future public ſale of the ſaid company.

LXXII. *Sect.* 8. Any entry now made or hereafter to be made of any ſhop, place or utenſil, to be made uſe of for carrying on the trade of a dealer in tea, or other trade ſubject to the ſurvey of the officers of exciſe, ſhall not be deemed a legal entry, unleſs the ſame be made in the name of the real owner and trader; and the perſon acting as viſible owner or occupier of any ſuch ſhop or place, or principal manager in the carrying on ſuch trade there, ſhall be deemed the real owner and trader, and be ſubject

as ſuch to all duties and penalties, by reaſon of any commodities made or found there, or for not making true entries of ſuch ſhops, places or utenſils, or for any other offences committed by the owners, traders, dealers in, or makers of any ſuch commodities in ſuch ſhops; and all commodities and utenſils found in ſuch ſhops or places ſhall be ſubject to all ſuch duties and penalties.

LXXIII. *Sect.* 10. And whereas it may happen that the tea imported by the *Eaſt India* company, may not be ſufficient to keep the price in this kingdom upon an equality with the price in neighbouring countries, in ſuch caſe it ſhall be lawful for the *Eaſt India* company to import into *Great Britain* in *Britiſh* ſhips navigated according to law, ſuch quantities of tea as they think neceſſary from any parts of *Europe*, ſubject to the duties payable for tea conſumed in *Great Britain*, and to the ſame rules as are preſcribed with reſpect to tea imported by them from the *Eaſt Indies*, ſo as notice be firſt given to the commiſſioners of the treaſury of the quantity of tea ſo intended to be imported, with the name of the ſhip and maſter in which the ſame is to be laden, and taking a licence under the hands of the commiſſioners of the treaſury or three of them, for the importing thereof, which licences they are impowered to grant to the ſaid company without fee.

LXXIV. *Sect.* 11. If the ſaid company neglect to keep this market ſupplied with a ſufficient quantity of tea at reaſonable prices to anſwer the conſumption in *Great Britain*, it ſhall be lawful for the commiſſioners of the treaſury to grant licences to any other perſons to import tea from any parts of *Europe*.

LXXV. *Sect.* 12. All tea imported from any parts of *Europe* by the *Eaſt India* company, or by any other perſon or bodies licenſed, ſhall be entered at the cuſtom-houſe, and pay the ſeveral ſubſidies and additional impoſitions chargeable upon tea imported by the ſaid company from the *Eaſt Indies:* and all tea ſo imported by the ſaid company from any parts of *Europe*, ſhall be forthwith carried into ſuch warehouſes as are now made uſe of by the ſaid company for receiving tea imported from the *Eaſt Indies*, or ſuch others as they ſhall provide, to be approved by the commiſſioners of the cuſtoms; and ſhall not be taken out of ſuch warehouſes until ſuch tea be ſold at the public ſales of the ſaid company, and the ſeveral duties charged by this act be paid: and all tea imported from any parts of *Europe* by any other perſon licenſed, ſhall alſo be put into warehouſes provided at the charge of the importer, and approved by the commiſſioners of the cuſtoms; and ſhall not be taken out thence until the ſame be publicly ſold (of which ſale ſix days notice ſhall be given in the *London Gazette*) and the inland duties charged by this act be paid.

LXXVI. *Sect.* 13. And whereas offences committed within the limits of the chief office of exciſe in *London*, are to be determined by the chief commiſſioners of exciſe; and offences committed within any other counties in *England*, are to be determined by two juſtices reſiding near the place; and many perſons chargeable with duties of exciſe, or incurring penalties, frequently avoid proſecutions by removing out of the juriſdiction wherein ſuch duties were charged or offences committed; it ſhall be lawful for the commiſſioners of exciſe and juſtices within whoſe juriſdiction any perſon charged with any of the ſaid duties, or having committed any offence againſt the laws of exciſe or againſt this act, ſhall be found, to determine, and iſſue proceſs in the ſame manner as they may now do in caſe of offences committed within their reſpective juriſdictions: and in caſe the ſaid commiſſioners or juſtices upon any judgment iſſue a warrant of diſtreſs, and the perſon who executes ſuch warrant makes return that no ſufficient diſtreſs can be found, it ſhall be lawful for the ſaid commiſſioners and juſtices reſpectively, within whoſe juriſdiction the party ſhall be found againſt whom ſuch warrant iſſued, upon producing to them ſuch warrant and return, to commit ſuch offender to the next county gaol till ſatisfaction be made.

LXXVII. *Sect.* 14. All fines and forfeitures by this or any former act impoſed relating to the duties of exciſe, or any other duty under the management of the commiſſioners of exciſe, ſhall be recovered or mitigated as by any laws of exciſe, or by this act, or by action of debt, *&c.* in any court of record at *Weſtminſter*; and one moiety ſhall be to his Majeſty, and the other moiety to him who ſhall diſcover or ſue.

LXXVIII. *Sect.* 15. If any perſon be ſued for any thing done in purſuance of this or any other act relating to the duties of exciſe, or other duties under the manage-

ment

ment of the commiſſioners of exciſe, he may plead the general iſſue; and if a verdict paſs for the defendant, *&c.* ſuch defendant ſhall have treble coſts.

LXXIX. **Stat.** 21 *Geo.* 2. *cap.* 14. *ſect.* 1. Whereas by 18 *Geo.* 2. *c.* 26. an inland duty of 1 *s. per* pound averdupois is charged upon all tea ſold in *Great Britain*, and a further duty of 25 *l.* for every 100 *l.* of the groſs price at which ſuch tea ſhould be ſold at the public ſales of the *Eaſt India* company, over and above all cuſtoms upon importation, which duties were to be paid before the tea ſhould be taken out of the warehouſes wherein the ſame was appointed to be lodged by 10 *Geo.* 1. *cap.* 10. Par. XXIV. and whereas it would be beneficial that tea ſhould be exported to *Ireland*, and the plantations in *America*, without paying the duties charged by the ſaid act; be it enacted, that all tea imported into *Great Britain* from foreign parts, and which ſhall be afterwards exported to *Ireland*, or to the plantations in *America*, being duly entered, and the ſubſidies and additional impoſts on importation paid or ſecured, and being put into ſuch warehouſes, ſhall upon due entry for exportation to *Ireland* or the plantations, be delivered out of ſuch warehouſe to the proprietor, without payment of the inland duties charged by the 18 *Geo.* 2. *c.* 26. ſuch proprietor firſt giving ſecurity to his Majeſty, to be approved by the commiſſioners of the ſaid inland duties or three of them, or ſuch perſon as they ſhall appoint, in double the value of the goods, that the ſame ſhall (dangers of the ſeas and enemies excepted) be landed in ſuch port of *Ireland*, or the plantations in *America*, for which the ſame has been ſo entered, and ſhall not be carried to any other place, nor relanded in *Great Britain*, or *Guernſey*, *Jerſey*, or *Man*: and ſuch bonds ſhall not be diſcharged until a certificate be produced under the hands and ſeals of the collector, comptroller, or ſurveyor of the cuſtoms of the port in *Ireland*, or the plantations where ſuch tea is landed, teſtifying the landing thereof. And the condition of ſuch bonds for exportation to *Ireland* ſhall be to produce ſuch certificate in ſix months from the date, danger of the ſeas and enemies excepted; and the condition of ſuch bonds for exportation to the plantations in *America* ſhall be to produce ſuch certificate in 18 months from the date, danger of the ſeas and enemies excepted. And in caſe no ſuch certificate be produced within the reſpective times, it ſhall be lawful for the commiſſioners of the ſaid inland duties to cauſe ſuch bonds to be put in ſuit, unleſs they find cauſe to forbear the ſame. And upon producing to the keepers of ſuch warehouſes, a certificate ſigned by ſuch perſon as the commiſſioners of the cuſtoms or four of them ſhall appoint, ſignifying that ſuch entry has been made, and the ſubſidies and additional impoſts on importation paid or ſecured; and a certificate under the hands of the commiſſioners of the ſaid inland duties or three of them, that ſuch ſecurity for exportation hath been given; ſuch warehouſe-keepers ſhall deliver out in the ſame package in which it was imported, ſo much tea entered for exportation to the aforeſaid places as ſhall be expreſſed in ſuch certificate, without payment of the inland duties; and the warehouſe-keepers are to give a permit to accompany ſuch tea till the ſame is ſhipt for exportation: which permit ſhall be ſigned by an officer attending the ſaid warehouſe, appointed by the commiſſioners of the inland duties to prevent the ſeizing thereof: and ſuch proprietor or other perſon ſhall at and before the tea therein mentioned is ſhipt, deliver ſuch permit to the ſearcher, or other officer of the cuſtoms of the port of exportation; who, if he ſuſpects the tea to be deficient in quantity or quality from what is ſpecified in the ſaid permit, ſhall open and examine all the cheſts and package; and if the ſame be found to be right entered, and to agree in quantity and quality with the permit, the ſearcher or other officer ſhall at his own charge cauſe the ſame to be repacked; which charge ſhall be allowed by the commiſſioners of the cuſtoms, if they think it reaſonable: but in caſe the officer find ſuch goods to be of any other ſpecies, or to be more than is expreſſed in ſuch permit or in the exporter's indorſement upon his entry outwards, all ſuch goods with the cheſts and package ſhall be forfeited, and may be ſeized and proſecuted by any officer of the cuſtoms.

LXXX. *Sect.* 2. No tea ſhall be exported to *Ireland* or the plantations in *America*, in any cheſt or package other than that in which it was originally imported into *Great Britain*, nor in any leſs quantities than in the entire lot in which the ſame was ſold at the ſale of the *Eaſt India* company, under the penalty of the forfeiture of ſuch tea and the package.

LXXXI. *Sect.*

LXXXI. *Sect.* 3. When any tea is entered for exportation to *Ireland* or the plantations in *America*, the outſide package ſhall by the ſearcher at the port of exportation, after entry and before the ſame is ſhipped, be marked on four different parts on the outſide as the commiſſioners of the cuſtoms ſhall direct; and if any cheſt or other package after the ſame has been marked and ſhipt, be found again on ſhore, ſuch cheſt, *&c.* with the tea therein ſhall be forfeited, and may be ſeized and proſecuted by any officer of the cuſtoms or inland duties.

LXXXII. *Sect.* 4. The keepers of the warehouſes appointed by the commiſſioners of the cuſtoms and inland duties, ſhall enter in books an account of all ſuch tea delivered out for exportation to *Ireland* or the plantations in *America*, and the names of the perſons to whom or for whoſe uſe the ſame was delivered, and the times when delivered; and ſhall at the end of every three months or oftener if required, tranſmit an account upon oath to the commiſſioners of the cuſtoms and inland duties, who ſhall within one month after appoint one or more perſons to inſpect the ſame accounts; and if it appear that any tea has been delivered out for exportation to *Ireland* or the plantations, otherwiſe than as herein is directed, the warehouſe-keeper offending ſhall not only be diſabled to hold any public office, but ſhall alſo forfeit for every ſuch offence 100 *l*

LXXXIII. *Sect.* 5. One moiety of the penalties in this act before-mentioned ſhall be to the uſe of his Majeſty, and the other moiety to the uſe of ſuch perſon as ſhall inform or ſue (except where any other appropriation is made by any other act) And all the ſame penalties ſhall be ſued for in any court of record at *Weſtminſter*, or in the court of exchequer at *Edinburgh* (except where any proviſion to the contrary is made by any other law) wherein no eſſoin, *&c.* ſhall be allowed.

LXXXIV. *Sect.* 6. If any action be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts.

LXXXV. **Stat.** 32 *Geo.* 2. *cap.* 10. *ſect.* 10. There ſhall be paid unto his Majeſty for all coffee ſold in *Great Britain*, and on all chocolate made or ſold in *Great Britain*, an additional inland duty to be paid by the ſellers of coffee, and by the makers or ſellers of chocolate, *viz.* For all coffee ſold in *Great Britain*, an additional duty of 1 *s.* *per* pound avoirdupoize, over and above the preſent inland duty and all cuſtoms; for all chocolate made or ſold in *Great Britain*, an additional duty of 9 *d.* *per* pound averdupoize over and above the preſent inland duty.

LXXXVI. *Sect.* 11. The ſaid additional inland duties ſhall be raiſed in the ſame manner as the former.

LXXXVII. *Sect.* 12. All coffee on the 6th of *April* 1759. lodged in any warehouſe in purſuance of any former act, ſhall be charged with the ſaid additional duty of 1 *s.* *per* pound.

LXXXVIII. *Sect.* 13. All the coffee and chocolate which any dealer in *Great Britain* (except ſuch who make chocolate for their family uſe and not for ſale, with reſpect only to their ſtock in hand) ſhall be poſſeſſed of or intereſted in upon the ſaid 6th of *April* 1759. ſhall be charged with the ſaid additional inland duty of 1 *s.* *per* pound for the coffee, and 9 *d.* *per* pound for the chocolate; and every 90 pounds weight of roaſted coffee by reaſon of the ſhrinking in the roaſting, ſhall be charged after the rate of 112 pounds of raw coffee; which additional inland duty for the ſtock in hand ſhall be paid by the ſellers of coffee, and makers or ſellers of chocolate, to the officer of exciſe for the ſaid inland duties at the office of exciſe within the limits of which they inhabit.

LXXXIX. *Sect.* 14. All ſuch chocolate as ſhall on the 6th of *April* 1759. be in the poſſeſſion of any maker or ſeller (other than ſuch makers as aforeſaid) within the limits of the chief office of exciſe in *London*, ſhall within 14 days after the 5th of *April* 1759. and all ſuch chocolate as ſhall on the 6th of *April* 1759. be in the poſſeſſion of any maker or ſeller (other than ſuch makers as aforeſaid) in any other part of *Great Britain*, ſhall within ſix weeks after the 5th of *April* 1759. be brought to the reſpective offices where the entries for the ſame ſhall be made, and ſhall then have ſome new ſtamp affixed thereon; which and all other ſtamps to denote the

the charging the ſaid additional duties, the ſaid reſpective commiſſioners of exciſe and for the ſaid inland duties are to provide; which ſtamps may be varied as the commiſſioners judge proper. And if any perſon ſhall forge or cauſe to be counterfeited any ſtamp made uſe of in purſuance of this act, or utter any chocolate with ſuch counterfeit ſtamp, knowing the ſame to be counterfeited, or upon any chocolate not duly entered and for which the inland duties have not been paid fix any paper having on it ſuch ſtamp, or in ſuch paper incloſe ſuch chocolate not duly entered and for which the inland duties have not been paid, with intent to defraud his Majeſty, every perſon ſo offending ſhall forfeit 500*l.* and be committed to the next county gaol for 12 months.

XC. *Sect.* 15. If any perſon having on the ſixth of *April* 1759. in his poſſeſſion any quantity of coffee or chocolate chargeable with the ſaid additional inland duties clandeſtinely remove any part thereof before the duties be paid, or fraudulently conceal any part; or neglect to ſend within the times appointed, his ſtock of chocolate to the officers where the entries for the ſame ought to have been made in order to have ſuch chocolate ſtamped; or after the fifth of *April* 1759. ſell or expoſe to ſale any of their ſtock of chocolate without being firſt ſtamped, he ſhall forfeit 20*s.* for every pound of ſuch chocolate and the chocolate ſo found without ſuch ſtamp.

XCI. *Sect.* 16. All chocolate made in *Great Britain* ſhall be packed up, and a ſtamp put upon the ſame in manner after mentioned, *viz.* All makers or proprietors of chocolate made in *Great Britain* ſhall at the times and places when and where they are to make entries of their chocolate, produce all the chocolate contained in ſuch entry at the offices where ſuch entries are made to the officers appointed for receiving ſuch entries; on pain of forfeiting 20*s.* for every pound of chocolate not then produced; which chocolate ſhall be brought, packed, and tied up with thread in papers, which ſhall each of them contain either one pound, or half a pound, or a quarter of a pound, and not more or leſs (at the election of the makers) each of which papers ſo tied up, ſhall by an officer appointed by the reſpective commiſſioners of exciſe and inland duties have ſuch a ſtamp affixed thereon, as ſhall by the commiſſioners be appointed.

XCII. *Sect.* 17. If any perſon ſell chocolate in leſs quantity than a quarter of a pound, or ſell and deliver chocolate not being at the time of ſale and delivery duly ſtamped, or not packed and tied up with the identical piece of thread directed to be uſed in tying up the chocolate before the ſtamp is affixed thereon, or ſell and deliver any chocolate whereof the thread or ſtamped label incloſing the ſame at the time of ſale and delivery has been opened, every perſon ſo offending ſhall forfeit 20*l.*

XCIII. *Sect.* 18. In the office of the auditor of the receipt of the exchequer, books ſhall be kept, in which all the monies ariſing by the ſaid additional inland duties upon coffee and chocolate and paid into the ſaid receipt, ſhall be entered apart from all other monies; and the money ſo ariſing ſhall be part of the fund eſtabliſhed for the payment of the annuities granted for the money borrowed on this act.

XCIV. *Sect. ult.* Perſons ſued for any thing done in purſuance of this act may plead the general iſſue; and if a verdict paſs for the defendant, or the plaintiff be nonſuited, the defendant ſhall have treble coſts.

Cordwainers.

LXXII. **Stat.** 12 *Geo.* 2. *cap.* 25. *ſect.* 1. It ſhall be lawful for all leather-ſellers, curriers, ſhoemakers, and other dealers in leather, to buy all ſorts of tanned leather in an open market whether curried or uncurried, ſuch leather being firſt ſearched and ſealed according to law: and to cut and ſell the ſame in ſmall pieces, in their public ſhops.

LXXIII. *Sect.* 2. Nothing in this act ſhall extend to give liberty to any perſons to make or procure to be made any boots, ſhoes, clogs or ſlippers, or to ſew, cloſe, or fit to the laſt, pieces of leather for making ſuch wares for ſale, other than perſons legally intitled to exerciſe the trade of a cordwainer, or ſuch perſons as ſhall be coblers or tranſlators.

LXXIV. *Sect.* 3. Nothing in this act ſhall give a right to any leather-ſeller, currier, ſhoemaker, or other perſon to exerciſe their reſpective trades in any town corporate or place, where by law they cannot exerciſe the ſame.

LXXV. *Sect.* 4. If any currier refuſe to curry any leather ſent to him for that purpoſe, by any leather-ſellers, ſhoemakers or other dealers in leather, or neglect to curry the ſame within 16 days, between the 28th of *September* and the 25th of *March* following, and within eight days in the remaining part of the year, ſuch currier ſhall for every ſuch offence, being convicted before one juſtice of peace for the place where ſuch offence is committed, by the oath of one witneſs forfeit 5 *l.* to be recovered by diſtreſs and ſale of goods; one moiety to the informer, and the other moiety to the poor of the pariſh.

LXXVI. *Sect.* 5. It ſhall be lawful for the ſaid juſtice where he ſhall ſee cauſe, to mitigate the penalties.

LXXVII. *Sect.* 6. If any perſon think himſelf aggrieved by the determination of the juſtice, it ſhall be lawful for him to appeal to the general quarter-ſeſſions of the peace to be next held for ſuch place; and the determination of the juſtices or the major part of them there made, ſhall be final; and no *certiorari* ſhall be allowed to remove any determinations or proceedings as above directed.

LXXVIII. *Sect.* 7. The 1 *Ja.* 1. *cap.* 22. *ſect.* 23 & 24. are repealed.

LXXIX. *Sect.* 8. Nothing herein ſhall leſſen any privilege given to the company of curriers by charter or grant, ſo far as they may exerciſe the ſame in the city of *London* or liberties thereof.

LXXX. *Sect.* 9. This act ſhall be deemed a public act.

See Leather.

Corn.

XXXII. Stat. 24 *Geo.* 2. *cap.* 56. *ſect.* 1. The proper officers of the cuſtoms ſhall allow the ſame bounty and no more, upon the exportation of 224 pounds weight of wheat meal, or other ground corn whereon there is a bounty, as is allowed upon the exportation of four buſhels of wheat or other corn unground, and ſo in proportion for any greater or leſſer quantity; and in caſe ſuch ground corn be brought to be ſhipt off in ſacks, the proper officers may make choice of and weigh two ſacks out of any number not exceeding 20 ſacks, and ſo in proportion for any greater quantity, before or after the ſame be put on board for exportation, and thereby compute the weight of the ground corn ſo ſhipt for exportation, and the bounty-money upon ſuch wheat meal or other ground corn ſhall be paid to the exporter for ſo much, upon his producing a certificate from the proper officers of the cuſtoms, atteſting the quantity, quality and weight thereof, according to the ſaid computation.

XXXIII. Stat. 26 *Geo.* 2. *cap.* 15. *ſect.* 1. If any debenture for the bounty on corn exported, payable by the general receiver of the cuſtoms according to 12 & 13 *W.* 3. *cap.* 10. remain unſatisfied more than ſix months next following the day when produced to the commiſſioners of the cuſtoms at *London*, according to the directions of the ſaid act; intereſt after the rate of three *per cent. per annum* ſhall be allowed to the proprietor, his executors, adminiſtrators or aſſigns, to be computed from the end of the ſaid ſix months, until the money due on ſuch debenture with ſuch intereſt be paid, or until money ſufficient be in the hands of the general receiver of the cuſtoms for that purpoſe, and notice be given thereof.

XXXIV. *Sect.* 2. When money ſufficient ſhall be in the hands of the ſaid general receiver of the cuſtoms, for payment of ſuch debentures, as after the expiration of the ſaid ſix months remain unſatisfied, the ſaid general receiver ſhall give notice in writing to be affixed on three or more doors of ſome public places in the cuſtom-houſe *London*, and to be advertiſed in the *London Gazette*, that on a certain day to be limited in the ſaid notice, and on the four days next following ſuch day (ſo as ſix days intervene between the date of ſuch notice and the day ſo limited, and ſo as *Sundays* and holidays be not included in ſuch four days) he ſhall be ready to pay the

the principal and intereſt due on ſuch debentures; after the expiration of which five days, if payment be not demanded, all intereſt on ſuch debentures ſhall ceaſe.

XXXV. *Sect.* 3. The principal due on ſuch debentures with the intereſt due before the expiration of the time limited in the ſaid notice, ſhall at any time afterwards upon demand be paid to the proprietor, his executors, adminiſtrators or aſſigns.

XXXVI. *Sect.* 4. If at any time after the day prefixed by order of the commiſſioners of the cuſtoms, for the payment of ſuch debentures, and before the end of ſix months next following the day on which the ſame are produced to them, the general receiver of the cuſtoms have money in his hands ſufficient to ſatisfy the ſame; and the like notice be given that he is ready to make payment; and no demand be made within the time limited in ſuch notice, then no intereſt ſhall be allowed on ſuch debentures.

XXXVII. *Sect.* 5. All debentures for corn exported payable by the general receiver of the cuſtoms, according to the ſaid act with the intereſt payable by this act, ſhall be paid in courſe, reſpect being had to the times when ſuch debentures have been produced to the commiſſioners of the cuſtoms, without any other preference.

XXXVIII. *Sect.* 6. When any certificate under the hand of the collector of the cuſtoms of any port, affixed to any debenture for corn exported, certifying that he hath not monies in his hands ſufficient to pay what is due for corn ſo exported, ſhall be produced to the commiſſioners, they ſhall immediately cauſe an indorſement to be made on the ſaid debenture of the day when the ſame was ſo produced; and ſhall as ſoon as may be ſign their order to the ſaid general receiver for payment thereof, and of ſuch intereſt as grows due thereon by this act.

XXXIX. *Sect.* 7. The ſaid general receiver of the cuſtoms, when he makes payment of the principal due on any ſuch debenture, is to pay alſo without fee the intereſt due thereon by this act, out of ſuch duties as are chargeable with the payment of any money for the exportation of corn.

XL. *Sect.* 8. Every perſon to whom any money ſhall be payable by virtue of any ſuch debenture, his executors, adminiſtrators or aſſigns, by aſſignment indorſed upon ſuch debenture, may transfer his right therein to any other, and ſuch aſſignee may in like manner aſſign again.

Cornwall.

I. **Stat.** 1 *Geo.* 3. *cap.* 11. *ſect.* 1. Whereas his Majeſty now ſtands ſeiſed of the duchy of *Cornwall*, for obviating doubts relating to his Majeſty's granting leaſes, and making copies of offices, lands, and hereditaments, parcel of his ſaid duchy, or thereunto annexed, be it enacted that all leaſes or grants, made or to be made, by copy of court roll, according to the cuſtom of the reſpective manors of the ſaid duchy or thereunto annexed, and all leaſes and grants made or to be made within ſeven years next enſuing, by letters patents or indentures under the great ſeal or ſeal of the exchequer, or by copy of court roll according to the cuſtom of the reſpective manors, of any offices, meſſuages, parks, lands, tenements or hereditaments (other than honours, lordſhips or manors) parcel of the poſſeſſions of the ſaid duchy or annexed to the ſame, ſhall be good againſt the King, his heirs and ſucceſſors, and againſt all other perſons that ſhall hereafter inherit or enjoy the ſaid duchy by force of any act of parliament or other limitation.

II. *Sect.* 2. Provided that every ſuch leaſe or grant be not for more than one, two or three lives, or for 31 years or under, or for ſome term of years determinable upon one, two or three lives; and if ſuch leaſes or grants be made in reverſion, that then the ſame together with the eſtates in poſſeſſion do not exceed three lives or the term of 31 years, and be not diſpuniſhable of waſte; and ſo as upon every ſuch leaſe or grant be reſerved the uſual rent or more, or ſuch rent as hath been reſerved for the ſame hereditaments, for the greater part of 20 years next before the making the ſaid leaſes; and where no ſuch rent hath been reſerved, that then upon every ſuch leaſe there be reſerved a reaſonable rent, not under the twentieth

twentieth part of the clear yearly value; and all leaſes and grants otherwiſe made ſhall be void.

III. *Sect.* 3. All covenants, conditions, reſervations and other agreements in every leaſe, grant or copy of court roll made as aforeſaid, ſhall be good as well for and againſt them to whom the reverſions of the ſame hereditaments ſhall come, as for and againſt them to whom the intereſt of the ſaid leaſes, grants or copies ſhall come, as if the King at the time of making ſuch covenants, *&c.* were ſeiſed of an abſolute eſtate in fee-ſimple.

IV. *Sect.* 4. Saving to all perſons (other than the King, and his heirs and ſucceſſors; and the Dukes of *Cornwall* and their heirs; and all perſons that ſhall hereafter have the ſaid dukedom of *Cornwall* by force of any act of parliament or other limitation) all rights.

Coroner.

VII. **Stat.** 25 *Geo.* 2. *cap.* 29. *ſect.* 1. For every inquiſition, not taken upon the view of a body dying in a priſon, taken within *England* by any coroner in any townſhip or place, contributory to the rates directed by 12 *Geo.* 2. *cap.* 29. **County rates,** 20*s.* and for every mile which he ſhall travel from the place of his abode, to take ſuch inquiſition 9*d.* over and above the ſaid 20*s.* ſhall be paid to him out of any monies ariſing from the rates before mentioned, by order of the juſtices of peace in their general or quarter ſeſſions for the county or liberty, where ſuch inquiſition is taken; for which order no fee ſhall be paid to the clerk of the peace, or any other officer.

VIII. *Sect.* 2. For every inquiſition taken upon the view of a body dying in any priſon within *England*, by any coroner of a county, ſo much money not exceeding 20*s.* ſhall be paid to him as the juſtices of peace in their general or quarter ſeſſions for the county or diviſion wherein ſuch priſon is ſituate think fit to be paid, by order of the ſaid juſtices out of any monies ariſing from the ſaid rates; for which order no fee ſhall be paid.

IX. *Sect.* 3. Over and above the recompence hereby appointed for inquiſitions taken as aforeſaid, the coroner who takes an inquiſition upon the view of a body ſlain, ſhall alſo have the fee of 13*s.* and 4*d.* payable by 3 *Hen.* 7. *cap.* 1. **Murder** III. out of the goods of the ſlayer, or out of the amerciaments impoſed upon the townſhip, if the ſlayer eſcape.

X. *Sect.* 4. No coroner to whom any benefit is given by this act, ſhall take for his office doing, in caſe of the death of any perſon, any fee other than the ſaid fee of 13*s.* and 4*d.* limited by the 3 *H.* 7. *cap.* 1. and other than the recompence hereby appointed; upon pain of being deemed guilty of extortion.

XI. *Sect.* 5. No coroner of the King's houſhold and of the verge of the King's palaces, nor any coroner of the admiralty, nor any coroner of the county palatine of *Durham*, nor any coroner of the city of *London* and borough of *Southwark*, or of any franchiſes belonging to the ſaid city; nor any coroner of any city, borough, town, liberty or franchiſe, not contributory to the rates directed by the 12 *Geo.* 2. *cap.* 29. or within which ſuch rates have not been uſually aſſeſſed, ſhall be intitled to any fee given by this act; but it ſhall be lawful for all ſuch coroners as are laſt mentioned, to receive all ſuch fees and ſalaries as they were intitled to by law before this act, or as ſhall be given them by the perſon by whom they are appointed.

XII. *Sect.* 6. If any coroner who is not appointed by virtue of an annual election, or whoſe office of coroner is not annexed to any other office, be convicted of extortion or wilful neglect of his duty or miſdemeanor in his office, it ſhall be lawful for the court before whom he is convicted, to adjudge that he be amoved from his office: and thereupon if ſuch coroner have been elected by the freeholders of any county, a writ ſhall iſſue for the amoving him from his office and electing another coroner in his ſtead, in ſuch manner as writs for the amoval of coroners and for electing coroners in their ſtead, are in any caſes directed by law: and if the coroner ſo convicted have been appointed by the lord of any liberty, or in any other manner than by the election of the freeholders of any county, the lord of ſuch liberty or the perſon

perſon intitled to the nomination of ſuch coroner, ſhall upon notice of ſuch judgment of amoval nominate another coroner in his ſtead.

County rates.

I. **Stat.** 12 *Geo.* 2. *cap.* 29. *ſect.* 1. The juſtices of peace in *England*, within their reſpective limits at their general or quarter ſeſſions, ſhall have power to make one general rate for ſuch ſum as they think ſufficient to anſwer the purpoſes of the acts of 22 *Hen.* 8. *cap.* 5. **Bridges.** 1 *Ann. ſtat.* 1. *cap.* 18. **Bridges.** 11 & 12 *W.* 3. *cap.* 19. **Priſons.** 7 *Jac.* 1. *cap.* 4. **Vagrants.** 43 *Eliz. cap.* 2. **Priſons.** 14 *Eliz. cap.* 5. **Priſons.** 19 *Car.* 2. *cap.* 4. **Priſons.** And 12 *Ann. ſtat.* 1. *cap.* 23. *repealed*, inſtead of the ſeveral diſtinct rates directed thereby, which rate ſhall be aſſeſſed upon every town, pariſh or place, in ſuch proportions as any of the ſaid rates heretofore made have been uſually aſſeſſed; and the reſpective ſums ſo aſſeſſed upon every town pariſh or place ſhall be collected by the high conſtables of the reſpective hundreds and diviſions.

II. *Sect.* 2. The churchwardens and overſeers of the poor of every pariſh and place, ſhall out of the money collected for the relief of the poor of ſuch pariſh, *&c.* pay to the high conſtables of the reſpective hundreds or diviſions, the ſums ſo rated upon ſuch pariſh, *&c.* within 30 days after demand in writing, to be given to the ſaid churchwardens or overſeers or left at their dwelling-houſes, or affixed on the church doors of ſuch pariſh, *&c.* to which ſuch officer belongs, by the ſaid high conſtables; which demand the high conſtables are to make at ſuch times as the juſtices by order in ſeſſions direct; and the receipts of ſuch high conſtables ſhall be a diſcharge to ſuch churchwardens and overſeers or other perſon paying the ſame, and ſhall be allowed in their accounts by the juſtices before whom ſuch accounts ſhall be paſſed: and in caſe ſuch churchwardens and overſeers neglect to pay the ſums aſſeſſed, ſuch high conſtables ſhall levy the ſame by diſtreſs and ſale of the goods of ſuch churchwardens and overſeers, by warrant of two juſtices reſiding in or near ſuch pariſh, *&c.*

III. *Sect.* 3. In caſe no rate is made for the relief of the poor in any pariſh, townſhip or place; the juſtices in their general or quarter ſeſſions, ſhall direct the money aſſeſſed on ſuch pariſh, *&c.* for the purpoſes of this act, to be rated and levied on ſuch pariſh, *&c.* by any petty conſtables or other peace officer belonging to the ſame, as money for the relief of the poor is by law to be levied; which ſum ſo levied ſhall be paid by ſuch petty conſtable or peace officer, to the high conſtable for the hundred or diviſion; and ſhall be demanded of, paid by, or levied on ſuch petty conſtable or other peace officer, as any rates are before directed to be levied on the churchwardens and overſeers of the poor; and if ſuch petty conſtable or peace officer pay ſuch ſum before the ſame be ſo by him rated and levied, he may afterwards rate and levy the ſame, or may be allowed the ſaid ſum out of any conſtable's or other rate made on ſuch pariſh, *&c.* which the juſtices in their ſeſſions ſhall order.

IV. *Sect.* 4. It ſhall be lawful for the juſtices of peace for the reſpective ridings, diviſions or counties of *York*, *Derby*, *Durham*, *Lancaſter*, *Cheſter*, *Weſtmorland*, *Cumberland* and *Northumberland*, at their general or quarter ſeſſions, to order the money directed to be aſſeſſed on any town, pariſh or place for the purpoſes of this act, to be paid by and levied on the petty conſtable of ſuch town, *&c.* within the ſaid counties, as the ſame is to be levied where no rate is made for the relief of the poor.

V. *Sect.* 5. This act ſhall not make any perſons or places liable to pay to any rate, to which ſuch perſon or place was not liable to contribute before; but it ſhall be lawful for the juſtices at their general or quarter ſeſſions, to order what proportion of any rate to be made by this act, ſhall be aſſeſſed on and paid by the ſeveral perſons and places, who are liable to pay only to one or more of, and not to all, the rates hereby intended to be thrown into one general rate.

VI. *Sect.* 6. The high conſtables ſhall at or before the next general or quarter ſeſſions, after they have received ſuch money, pay the ſame into the hands of ſuch perſons (reſident in any ſuch county or place where ſuch rates are made) whom the juſtices

ſtices ſhall at their ſeſſions appoint to be the treaſurer or treaſurers; ſuch treaſurer or treaſurers firſt giving ſufficient ſecurity to be approved of by the juſtices, to be accountable for the ſeveral ſums paid to them in purſuance of this act, and to pay ſuch ſums as ſhall be ordered to be paid by the juſtices in ſeſſions, and for the due execution of the truſts repoſed in them; and all ſuch money as ſhall be paid into their hands in purſuance of this act, ſhall be deemed to be the public ſtock; and the ſaid treaſurers ſhall pay ſo much of the money in their hands, to ſuch perſons as the juſtices at their ſeſſions ſhall direct for the purpoſes of the ſaid acts, and for any other purpoſes to which the public ſtock of any county, city, diviſion or liberty, is applicable by law.

VII. *Sect.* 7. The ſaid treaſurer or treaſurers ſhall keep books of entries of the ſeveral ſums received and paid by them; and deliver in accounts upon oath, if required, of all money received and paid by them, diſtinguiſhing the particular uſes to which ſuch money has been applied, to the juſtices at every general or quarter ſeſſion; and lay before the juſtices the proper vouchers.

VIII. *Sect.* 8. The high conſtables ſhall demand and levy ſuch rates in manner before directed, and ſhall account for the ſame before the juſtices at their general or quarter ſeſſions, if required, in like manner as the ſaid treaſurers; and in caſe ſuch high conſtables neglect ſo to demand, levy or account, it ſhall be lawful for the juſtices at their ſeſſions, to commit them to the common gaol until they have cauſed ſuch rates to be levied, and have rendered a true account; and in caſe it appear by ſuch account that any money is remaining in their hands, which they have received of the churchwardens and overſeers or other perſons, which ought to have been paid to the reſpective treaſurers, or of the reſpective treaſurers, in order to be applied to the purpoſes aforeſaid; and if they neglect to pay the ſame over into the hands of the treaſurers or otherwiſe, if required, by order of the juſtices at their ſeſſions, it ſhall be lawful for the juſtices at ſuch ſeſſions, to commit ſuch high conſtables to the common gaol until they ſhall have made payment of the money due on ſuch account; and all the accounts and vouchers of the ſaid treaſurers and high conſtables ſhall be depoſited with the clerk of the peace of each county, or the town clerk, high bailiff, or chief officer of any city, town corporate or liberty, to be kept among the records of ſuch county, *&c.* to be inſpected by any of the juſtices without fee.

IX. *Sect.* 9. The receipts of ſuch treaſurers ſhall be ſufficient diſcharges to all high conſtables; and the diſcharges of the juſtices by their orders at their general or quarter ſeſſions to ſuch treaſurers, ſhall be ſufficient diſcharges in any court of law or equity.

X. *Sect.* 10. No new rate ſhall be made until it appear to the juſtices at their general or quarter ſeſſions, by the accounts of the treaſurers or otherwiſe, that three fourths of the money collected by the preceding rate have been expended.

XI. *Sect.* 11. It ſhall be lawful for the juſtices at their general or quarter ſeſſions, to continue ſuch treaſurers in office ſo long as they ſee convenient, and to remove them at their pleaſure, and appoint any other perſon in their place; and to allow every of them inſiſting on the ſame any ſum of money for their care and pains, not exceeding 20 *l.* by the year, which they may direct the payment of out of the monies ariſing by the reſpective rates.

XII. *Sect.* 12. In caſe the churchwardens and overſeers of any pariſh or place believe the ſaid pariſh, *&c.* is over-rated, they may appeal to the juſtices at their next general or quarter ſeſſions againſt ſuch part of the rate only as may affect the pariſhes, *&c.* in which they ſerve; which juſtices may finally determine the ſame: provided upon ſuch appeal ſuch rate be not quaſhed in regard to any other pariſhes, *&c.*

XIII. *Sect.* 13. No part of the money to be collected in purſuance of this act, ſhall be applied to the repair of any bridges, priſons or houſes of correction, until preſentments be made by the grand juries at the aſſize, great ſeſſions, general gaol delivery, or general or quarter ſeſſions of the peace, of the want of reparation.

XIV. *Sect.* 14. When any public bridges, ramparts, banks or cops, or other works are to be repaired at the expence of any county, city, diviſion, liberty or town corporate; it ſhall be lawful for the juſtices at their general or quarter ſeſſions, after preſentment made of the want of reparation, to contract with any perſon for repairing ſuch bridges, *&c.*

&c. and all other works which are to be repaired by aſſeſſment on the reſpective counties, *&c.* for any term not exceeding ſeven years at a certain annual ſum; ſuch contractor giving ſufficient ſecurity for the due performance thereof, to the clerk of the peace or the town clerk, high bailiff or chief officer; and ſuch juſtices at their ſeſſions ſhall give public notice of their intention of contracting with any perſon for repairing the bridges, and other works aforeſaid; and ſuch contracts ſhall be made at the moſt reaſonable price; and all contracts when agreed to, and all orders relating thereto ſhall be entered in a book, to be kept by the clerk of the peace or the town clerk, high bailiff, or chief officer, amongſt the records of ſuch county, city, town corporate or liberty, to be inſpected by any of the ſaid juſtices, and by any perſon employed by any pariſh or place contributing, without fee.

XV. *Sect.* 15. There ſhall be but one rate made by the juſtices of the peace of the county of *Middleſex*, in the ſaid county, city, and liberty of *Weſtminſter*, for the purpoſes aforeſaid, and for the repair of the *New Priſon* in the county of *Middleſex*.

XVI. *Sect.* 16. The juſtices of the peace for the city and liberty of *Weſtminſter*, at their general or quarter ſeſſions, ſhall have power to appoint the maſter of the houſe of correction within the ſaid city, who ſhall have ſuch ſum yearly as hath been accuſtomed for the ſupport of the priſoners in his cuſtody, who ſhall be ſick or unable to work (not exceeding the preſent allowance of 50 *l.* by the year) and direct the repairs and management thereof as they heretofore have done; and the treaſurers of the money ariſing by the rates in the county of *Middleſex* and city of *Weſtminſter*, ſhall obey all orders which ſhall be made by the ſaid juſtices of the ſaid city at their ſeſſions, for the payment of any ſum for the allowance allotted to ſuch maſter of the houſe of correction, and the repairs thereof; which orders ſhall be ſufficient diſcharges to ſuch treaſurers.

XVII. *Sect.* 17. The juſtices of the peace at their general or quarter ſeſſions, ſhall be impowered to oblige by their order, the reſpective high conſtables and petty conſtables, or any perſons impowered to levy or receive any money for the purpoſes aforeſaid, and who have any money in their hands, to account with them at their ſeſſions, in ſuch manner as high conſtables are directed to account by this act; and in caſe ſuch high conſtables or petty conſtables or other perſons, refuſe to account or to pay over the money remaining in their hands, when required by order of the ſaid juſtices, the ſaid juſtices ſhall have the like remedy againſt them, as they have againſt the high conſtables by this act, for not accounting for or paying over the money remaining in their hands: and it ſhall be lawful for the juſtices at their ſeſſions, to direct the payment of the reſpective ſums remaining due, into the hands of the reſpective treaſurers, which ſhall be deemed to be part of the ſtock of the ſaid counties or places; and to inquire what ſums are due for the purpoſes aforeſaid; and then to order the payment of ſuch ſums.

XVIII. *Sect.* 18. No action ſhall be commenced againſt any perſon employed in the collecting any money in purſuance of the ſaid acts or this preſent act, on any rates quaſhed on *certiorari* brought in any court of record at *Weſtminſter*, or otherwiſe, for any money collected on any ſuch rates before ſuch writ of *certiorari* was brought and allowed; but the ſeveral ſums paid on ſuch rate more than ought to have been paid, ſhall be repaid or allowed to the perſons who paid the ſame in the next rates, as if the ſame had been paid on ſuch new rates.

XIX. *Sect.* 19. All perſons ſo employed ſhall account for, and pay over the money received, in the ſame manner, and under the like penalties for neglect, as are inflicted by this act on any perſon neglecting to account for, or pay over any money remaining in his hands, which he has received in purſuance hereof.

XX. *Sect.* 20. The juſtices for the county of *Middleſex* at their general ſeſſions, ſhall have the ſame powers to put this act in execution, as are hereby given them at their general quarter ſeſſions.

XXI. *Sect.* 21. No writ of *certiorari* to remove any rates made in purſuance of this act, or any orders or proceedings of the general or quarter ſeſſions touching ſuch rates, ſhall be granted, but upon a motion to be made in the firſt week of the next term, after the time for appealing from ſuch rates and orders is expired; and upon affidavit or otherwiſe, that the merits of the queſtion upon ſuch appeal or orders

will by ſuch removal come properly in the judgment of the ſaid court; and no ſuch writ of *certiorari* ſhall be allowed until ſufficient ſecurity be given to the reſpective treaſurers in the ſum of 100*l.* to proſecute ſuch writ of *certiorari* with effect, and to pay the coſts in caſe ſuch rates or orders be confirmed; nor ſhall any ſuch rates, orders or proceedings be quaſhed for want of form only; and all charges attending ſuch removal ſhall be defrayed out of that or any ſubſequent rate.

XXII. *Sect.* 22. So much of the 14 *Eliz. cap.* 5. as relates to the method of taxing pariſhes for the relief of priſoners; and ſo much of the 43 *Eliz. cap.* 2. as relates to the method of raiſing money for the king's bench and marſhalſea priſons, hoſpital and alms-houſes; and ſo much of the 19 *Car.* 2. *cap.* 4. as relates to the method of rating pariſhes for providing materials for the ſetting poor priſoners on work, ſhall be repealed.

XXIII. *Sect.* 23. Such ſums as have been annually paid to the king's bench and marſhalſea priſons, ſhall be paid out of the monies ariſing by this act, at ſuch times and in ſuch manner as is preſcribed by 11 *Geo.* 2. *cap.* 20. Priſons. And ſuch money as ſhall be judged neceſſary by the juſtices in ſeſſions to be applied in purſuance of the 14 *Eliz. cap.* 5. and of the 19 *Car.* 2. *cap.* 4. ſhall be paid out of the monies ariſing by this act.

XXIV. *Sect.* 24. If any action be commenced for any thing done in purſuance of this act, it ſhall be commenced within three months next after the fact, and ſhall be laid in the county in which the cauſe of action ariſes; and the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts.

XXV. Stat. 13 *Geo.* 2. *cap.* 18. *ſect.* 7. Where any liberties or franchiſes in *England* have commiſſions of the peace within themſelves, and are not ſubject to the juriſdiction of the commiſſions of the peace for the counties in which ſuch franchiſes lie, and do not, nor did before the act of 12 *Geo.* 2. *cap.* 29. contribute to the rates made for the ſaid counties; it ſhall be lawful for the juſtices of the peace of ſuch liberties and franchiſes, to exerciſe the powers given by the 12 *Geo.* 2. *cap.* 29. and all ſuch liberties and franchiſes are hereby declared to be ſubject thereto, in the ſame manner as counties at large.

Cuſtoms.

CCCLX. Stat. 15 *Geo.* 2. *cap.* 31. *ſect.* 5. *recites* 13 Geo. 2. cap. 4. ſect. 12. Ships. *and enacts that prize goods of the product of foreign plantations taken in* America *during the then war with* Spain, *ſhould only pay ſuch duties as if they were of the product of the* Britiſh *plantations: and that other prize goods condemned in* America *ſhould pay as if coming from the place of their growth.*

CCCLXI. *Sect.* 6. *When prize goods are lodged in warehouſes, and appraiſed, and ſecurity given by the claimant to the captor, as directed by* 13 Geo. 2. cap. 4. ſect. 3. Ships. they ſhall not be delivered out by the interlocutory order there mentioned, until the duties payable be firſt paid or ſecured as the duty on goods of the like kind ought to be; and no prize goods of the growth or manufacture of *Europe*, brought into any of his Majeſty's plantations in *America*, ſhall be delivered by ſuch interlocutory order until ſecurity be firſt given to the collector or comptroller of the cuſtoms, or naval officer there, to the uſe of his Majeſty, that all ſuch goods ſhall within three months after be re-exported out of the ſaid plantation, and no part thereof conſumed there.

Qu. *whether this clauſe be in force ſince the peace with* Spain.

CCCLXII. *Sect.* 7. Where any ſhip or boat ſhall be ſeized by virtue of any law made for the more effectual preventing the exportation of wool, and where any ſhip or boat of the burthen of 100 tons or under ſhall be ſeized for the unlawful importation of tea, brandy or other goods, or for any other cauſe of forfeiture, every perſon upon entry of any claim in the court where ſuch ſhip or boat ſhall be proſecuted, ſhall give ſecurity in the penalty of 30*l.* to anſwer the coſts occaſioned by ſuch claim, and in default of giving ſuch ſecurity within the time limited by the courſe of

that

that court for entering claims, ſuch ſhip or boat ſhall be recovered. *See* 8 *Ann. cap.* 7. *ſect.* 63.

CCCLXIII. **Stat.** 18 *Geo.* 2. *cap.* 28. *ſect.* 1. All ſubjects of *Great Britain*, who before the firſt of *May* 1745. have incurred any penalty by the clandeſtine running, landing, unſhipping, concealing or receiving any prohibited goods, or any foreign goods liable to cuſtoms or exciſe, ſhall be indemnified.

The 2, 3, 4, 5, 6 & 7. *ſections of this act are to the ſame effect as* 9 Geo. 2. cap. 35. ſect. 2, 3, 4, 5, 6 & 7.

CCCLXIV. *Sect.* 8, *and laſt.* All perſons who have before 1 *May* 1745. compounded with the treaſury, or any of the barons of the exchequer, or the commiſſioners of the cuſtoms or exciſe in reſpect of the above mentioned offences, ſhall make good ſuch compoſitions, or in default thereof ſhall be excluded from all benefit of this act.

CCCLXV. **Stat.** 19 *Geo.* 2. *cap.* 34. *ſect.* 1. If any perſons to the number of three or more, armed with fire arms or other offenſive weapons, ſhall be aſſembled to aſſiſt in the illegal exportation of wool or other goods prohibited to be exported, or the carrying of wool or other ſuch goods in order to exportation, or in the running, landing or carrying away prohibited or uncuſtomed goods, or goods liable to pay any duties which have not been paid or ſecured; or in the illegal re-landing of any goods ſhipped or exported upon debenture or certificate; or in reſcuing the ſame after ſeizure from any officer of the revenue, or other perſon employed by or aſſiſting him, or from the place where they ſhall be lodged by him; or in reſcuing any perſon apprehended for any of the offences made felony by this or any other act relating to the cuſtoms or exciſe; or in preventing the apprehending any perſon guilty of ſuch offence; or in caſe three or more ſo armed ſhall be ſo aiding, or if any perſon ſhall have his face blacked, or wear any diſguiſe when paſſing with ſuch goods, or ſhall forcibly hinder or reſiſt any of the officers of the revenue, in the ſeizing any ſuch goods; or ſhall maim or dangerouſly wound any officer of the revenue, in his attempting to go on board any veſſel within the limits of any port, or ſhoot at, maim or dangerouſly wound him when on board, and in the execution of his office; every perſon ſo offending being convicted, ſhall be adjudged guilty of felony and ſhall ſuffer death; and every perſon convicted of any the offences afore-mentioned in *Scotland*, ſhall ſuffer death, and confiſcation of moveables.

CCCLXVI. *Sect.* 2. If any perſon be charged with any of the offences aforeſaid, before any juſtice of peace or juſtice of the King's bench, if the offence be committed in *England*; or before the lord juſtice general, or one of the lords of juſticiary, or one or more juſtices of peace in *Scotland*, if the offence be committed in *Scotland*; by information upon oath ſubſcribed, ſuch juſtice, *&c.* before whom ſuch information is made, ſhall certify under his hand and ſeal, and return ſuch information to one of the ſecretaries of ſtate, who is to lay the ſame before his Majeſty in council: whereupon it ſhall be lawful for his Majeſty to make his order in council, commanding ſuch offender to ſurrender within 40 days after the firſt publication thereof in the *London Gazette*, to the lord chief juſtice, or any juſtice of the King's bench, or to any juſtice of peace, if the offence be committed in *England*; or to any of the lords of juſticiary, or to any juſtice of peace in *Scotland*, if the offence be committed in *Scotland*; who ſhall upon ſuch offender's ſurrendering commit him to the county gaol, or to the gaol of the place where he ſurrenders, to anſwer the offence according to law: which order the clerks of the privy council ſhall cauſe to be forthwith publiſhed in the two ſucceſſive *London Gazettes*, and to be tranſmitted to the ſheriff of the county where the offence is committed; who ſhall within 14 days after receipt thereof, cauſe the ſame to be proclaimed between ten in the morning and two in the afternoon, in the market-places upon the market-days of two market-towns in the ſame county, near the place where ſuch offence was committed; aad a true copy of ſuch order ſhall be affixed upon ſome public place in ſuch market-towns: and in caſe ſuch offender ſhall not ſurrender purſuant to ſuch order, or eſcape after ſuch ſurrender, he ſhall from the day appointed for his ſurrender be attainted of felony, and ſhall ſuffer death as in

caſes of felony without benefit of clergy, if the offence be committed in *England*; and ſhall be adjudged to be convicted of a capital crime, and ſhall ſuffer death and confiſcation of moveables, as in caſe of a perſon found guilty of a capital crime, if the offence be committed in *Scotland*; and it ſhall be lawful for the court of King's bench, or the juſtices of *oyer* and *terminer*, or general gaol-delivery for the county or place where ſuch perſon ſhall be, to award execution againſt him as if he had been convicted and attainted in ſuch court, if the offence be committed in *England*; and for the court of juſticiary, or the lords of juſticiary in their circuits, to award execution againſt him, as if he had been found guilty and condemned in the ſaid court of juſticiary or in the circuit.

CCCLXVII. *Sect.* 3. Every perſon who ſhall, after the time appointed for the ſurrender of any perſon charged upon oath with any of the offences aforeſaid, harbour or ſuccour ſuch perſon knowing him to have been ſo charged, and not to have ſurrendered, being proſecuted for the ſame within one year after the offence committed, and convicted, ſhall be guilty of felony; and ſhall be tranſported to ſome of the colonies in *America* for ſeven years, as felons are appointed to be tranſported by 4 *Geo.* 1. *cap.* 11. and by 6 *Geo.* 1. *cap.* 23. **Felony**, and if ſuch offender return to *Great Britain* or *Ireland*, before the expiration of the ſaid term, he ſhall ſuffer as a felon, without benefit of clergy.

CCCLXVIII. *Sect.* 4. Nothing herein ſhall prevent any judge, juſtice of peace, magiſtrate, officer or miniſter of juſtice, from taking and ſecuring ſuch offender, againſt whom ſuch information ſhall be given, and for whoſe ſurrender ſuch order ſhall be made as aforeſaid, by the ordinary courſe of law; and in caſe ſuch offender be taken before the time be expired, within which he is required to ſurrender, no further proceedings ſhall be had upon ſuch order in council, but he ſhall be brought to trial by due courſe of law.

CCCLXIX. *Sect.* 5. Offences made felony by this or any other act relating to the cuſtoms or exciſe, may be tried in any county in *England*. Provided, that no attainder for any of the offences made felony by this act, ſhall work any corruption of blood, loſs of dower, or forfeiture of lands or tenements.

CCCLXX. *Sect.* 6. If any officer of the revenue or other perſons employed in ſeizing or ſecuring any wool or other goods forfeited, for being prohibited or uncuſtomed or the duties not having been paid or ſecured, or by any law to prevent the exportation of wool or other goods, or in endeavouring to apprehend any offender againſt this act, ſhall be beat, wounded, maimed or killed, or the goods ſeized ſhall be reſcued by perſons armed as aforeſaid; the inhabitants of every rape, lath or hundred where ſuch facts are committed in *England*, ſhall make ſatisfaction for the damages, and ſhall pay 100 *l.* to the executors or adminiſtrators of each perſon ſo killed. And ſuch officers and other perſons, and their executors and adminiſtrators, may ſue for and recover their damages, (ſo as the ſum to be recovered for any beating, wounding or maiming, exceed not 40 *l.* nor for the loſs of the goods 200 *l.*) againſt the inhabitants of the hundred: and all the inhabitants of the hundred, ſhall be proportionably aſſeſſed towards payment of the damages and coſts, and alſo of the expences in defending ſuch action; which aſſeſſment ſhall be made and levied, as in caſes of robberies, by 8 *Geo.* 2. *cap.* 16. **Robbery** XXX. and by ſo much of any former law relating to actions againſt hundreds, in caſe of robberies as is not repealed or altered by the ſaid act; and if any plaintiff be nonſuited, or diſcontinue his action, or if judgment be given againſt him, the charges of defending ſuch action, over and above the coſts to be taxed, and alſo the taxed coſts, in caſe the plaintiff be inſolvent, ſhall be levied by ſuch aſſeſſment and paid in ſuch manner as ſuch charges and coſts in actions brought upon the ſaid act; and every action brought upon this act, ſhall be proſecuted as actions upon the ſaid act of 8 *Geo.* 2. *cap.* 16.

CCCLXXI. *Sect.* 7. No perſon ſhall recover damages for any beating, wounding, maiming or loſs of goods, unleſs within four days after ſuch injury he cauſe notice to be given of ſuch offence unto two or more of the inhabitants of ſome town or hamlet near to the place where ſuch fact was committed, and within eight days after ſuch fact, declare by examination upon oath before ſome juſtice of peace of the county or diviſion where the ſame was committed, (which examination every ſuch juſtice ſhall be obliged to take) whether he know the perſons who committed ſuch fact,

fact, or any of them; and if he knew any of them, he ſhall be bound by recognizance to proſecute ſuch offender; and no ſuch perſon ſhall recover any damages by this act, unleſs beſides the ſaid notice and recognizance, he give ſuch notice and enter into ſuch recognizance as perſons robbed are by the 8 *Geo.* 2. *cap.* 16. directed to give and enter into.

CCCLXXII. *Sect.* 8. Where any offender is apprehended and convicted within ſix calendar months after the offence committed, no hundred ſhall be ſubject to make any ſatisfaction for ſuch damages, or to pay the ſaid 100 *l.* to the executors, *&c.* of ſuch killed perſon.

CCCLXXIII. *Sect.* 9. No perſon ſhall bring any action againſt the inhabitants of any hundred, rape or lath, unleſs the ſame be commenced within one year after the offence committed.

CCCLXXIV. *Sect.* 10. Every perſon who ſhall apprehend or diſcover ſo that he may be taken, any perſon in *England* ſo advertiſed as aforeſaid, who ſhall not have ſurrendered himſelf within 40 days as aforeſaid, and cauſe him to be brought before the lord chief juſtice of the King's bench, or any of the juſtices of the ſaid court, or any juſtice of peace for *London* or *Middleſex* (who is to commit ſuch perſon to the priſon of *Newgate* for ſuch felony) ſhall receive for every ſuch perſon ſo apprehended 500 *l.* to be paid within one month after execution by the commiſſioners of the cuſtoms or exciſe; who are to receive the applications of all who are concerned in ſuch diſcovering or apprehending, and determine who are intitled to the reward, and their proportions thereof: and if any ſuch offender againſt whom no ſuch order of council is made, ſhall himſelf ſo diſcover or apprehend any other offender againſt whom ſuch order is made, he ſhall be diſcharged of his own offence, and all other like offences before committed for which no proſecution is then commenced, and ſhall alſo have his ſhare of the reward: and if any perſon be grievouſly maimed or wounded in apprehending or purſuing ſuch offender, he ſhall upon application to the commiſſioners of the cuſtoms or exciſe receive 50 *l.* over and above any other reward that he may be intitled to as an apprehender by this act; and in caſe any perſon ſhall be killed in the apprehending or purſuing ſuch offender, his executors or adminiſtrators, upon application to the commiſſioners of the cuſtoms or exciſe, and laying ſufficient proof before them, ſhall receive 100 *l.* all which rewards ſhall be paid by the receiver general of the cuſtoms or caſhier of the exciſe, upon an order directed to them by the commiſſioners of the cuſtoms or exciſe.

CCCLXXV. *Sect.* 11. If any offender in *England*, before his Majeſty's order be made, requiring him to ſurrender, diſcover two or more of his accomplices to the commiſſioners of the cuſtoms or exciſe in *England*, and cauſe them to be apprehended, ſo as two of them at leaſt be brought to juſtice and convicted, the offender ſo diſcovering ſhall receive 50 *l.* for every ſuch offender ſo diſcovered and convicted, and be diſcharged of his offence, and all other like offences before committed, for which no proſecution is then commenced.

CCCLXXVI. *Sect.* 12. Nothing in this act ſhall reſtrain the court of King's bench, or any of the judges thereof, or the court of juſticiary in *Scotland*, or any of the judges thereof, from bailing any perſon committed for felony by virtue of this act, and not convicted or attainted, as they may by law do in other caſes of felony.

CCCLXXVII. *Sect.* 13. Every perſon who before the 24th of *June* 1746. ſhall have been guilty of any of the ſaid offences, ſhall be acquitted and diſcharged from all the ſaid offences concerning which no proſecution ſhall have been commenced or compoſition made before the ſaid 24th of *June*, upon condition that he do, before he be apprehended, and before the 29th of *September* 1746. enter himſelf with ſome commiſſion officer of the fleet, to ſerve as a common ſailor, and do for one year at leaſt from the time of ſuch entry *bona fide* ſerve as ſuch, and alſo before the ſaid 29th of *September* regiſter his name, employment and place of abode, with the clerk of the peace of the county, or diviſion where he reſides, in a book to be kept among the records of the ſeſſions, and ſign ſuch regiſter; which entry ſhall be in the following form:

A. B. *of* *claims the benefit of an act of the nineteenth year of the reign of his Majeſty King* George *the ſecond, and has entered himſelf with a commiſſion officer of his*

his Majeſty's fleet, and has regiſtered his name in the book kept by the clerk of the peace of this county, riding or diviſion, *this day of purſuant to the directions of the ſaid act.*

For which entry there ſhall be paid to the clerk of the peace 1 *s.* and the ſaid clerks of the peace ſhall immediately after the ſaid 29th of *September*, tranſmit to the commiſſioners of the cuſtoms and exciſe an account of all the perſons who have claimed the benefit of this act.

CCCLXXVIII. *Sect.* 14. Every perſon who ſhall claim the benefit of this act, and afterwards be guilty of any of the like offences, or deſert from the ſaid ſervice, or within the ſaid year procure his diſcharge, ſhall be ſubject to be proſecuted not only for ſuch new offence, but alſo be ſubject to all the pains and penalties he would have been ſubject to in caſe this indemnity had never been given.

CCCLXXIX. *Sect.* 15. If any officer of the navy by falſe muſter, or other colluſive means, ſuffer ſuch perſon to avoid the actual ſervice as aforeſaid, ſuch perſon ſhall not only loſe the benefit of this act, but every ſuch officer ſhall ſuffer the penalty of 500 *l.*

CCCLXXX. *Sect.* 16. In caſe any information be brought to trial, on account of the ſeizure of any ſhip as forfeited for illegally carrying goods, or of any wool or merchandizes, as prohibited or uncuſtomed, or illegally carried or exported, or intended to be, or as illegally relanded after having been ſhipt or exported upon debenture, wherein a verdict ſhall be found for the claimer, and it appear to the court, that there was a probable cauſe of ſeizure, the judge ſhall certify that there was a probable cauſe for the proſecutor's ſeizing the ſaid ſhips or goods; and in ſuch caſe, the defendant ſhall not be intitled to any coſts, nor ſhall the perſons who ſeized be liable to any action or proſecution on account of ſuch ſeizure; and in caſe any action or proſecution be brought to trial againſt any perſon on account of the ſeizure of any ſuch ſhip, or of any wool or merchandizes as prohibited, *&c.* wherein a verdict ſhall be given againſt the defendant, if the judge certify that there was a probable cauſe for ſuch ſeizure, then the plaintiff, beſides his ſhip or goods ſo ſeized, or the value thereof, ſhall not be intitled to above 2 *d.* damages, nor to any coſts, nor ſhall the defendant in ſuch proſecution be fined above 1 *s.*

CCCLXXXI. *Sect.* 17. This act ſhall continue for ſeven years, and from thence to the end of the next ſeſſion of parliament.

Continued to 29 September 1771. *and to the end of the next ſeſſion, as far as it relates to the further puniſhment of perſons going armed or diſguiſed in defiance of the laws of cuſtoms or exciſe, and to the relief of officers of the cuſtoms on informations upon ſeizures by* 4 Geo. 3. cap. 12. § 3.

CCCLXXXII. Stat. 21 *Geo.* 2. *cap.* 2. *ſect.* 1. Over and above all ſubſidies of tonnage and poundage, and all additional duties payable upon goods imported into *Great Britain*, one further ſubſidy of poundage of 1 *s.* in the pound ſhall be paid to his Majeſty, upon all goods imported into this realm, or any dominions to the ſame belonging, after the firſt of *March* 1747. by the importer before the landing thereof, according as the ſame are rated in the books of rate referred to by the 12 *Car.* 2. *cap.* 4. and 11 *Geo.* 1. *cap.* 7. or by any other act, or which do now pay any duty *ad valorem.*

CCCLXXXIII. *Sect.* 2. Unrated *Eaſt-India* goods ſhall pay the ſaid ſubſidy of five *per cent.* on the groſs price for which they ſhall be ſold at the candle without any deduction; and nothing in this act ſhall alter the preſent method of computing the reduced value and duties payable upon unrated *Eaſt-India* goods; and the ſubſidy hereby granted ſhall be paid by the *Eaſt-India* company, at the ſame times as the other ſubſidies on *Eaſt-India* goods imported are payable.

CCCLXXXIV. *Sect.* 3. The ſubſidy hereby granted, ſhall be raiſed and collected by the officers of the cuſtoms, under the direction of the commiſſioners of the cuſtoms; and ſhall be paid into the exchequer for the purpoſes of this act (the additional charge of the management of this revenue only excepted) and all the clauſes, powers, *&c.* in the ſaid act of 12 *Car.* 2. *cap.* 4. or in any other laws now in force, for levying the ſubſidy of tonnage and poundage thereby granted, ſhall be put into execution for the raiſing the ſubſidy of poundage by this act granted.

CCCLXXXV. *Sect.*

CCCLXXXV. *Sect.* 4. Nothing herein ſhall extend to any goods allowed by the ſaid act of 12 *Car.* 2. *cap.* 4. or any other act to be imported duty free, nor to any prohibited goods which may be imported by the *Eaſt India* company.

CCCLXXXVI. *Sect.* 6. Where any goods that have paid the ſubſidy hereby granted, ſhall be again exported within three years from the importation, the ſubſidy paid for ſuch goods, ſhall without delay or reward be repaid to the exporter, or the ſecurity vacated; except for ſuch goods as by any former act, it is declared no drawback ſhall be allowed upon exportation.

CCCLXXXVII. *Sect.* 7. For every 100 weight of ſugar imported into *Great Britain*, after the firſt of *March* 1747. and refined there (and ſo in proportion for a greater or leſſer quantity) that ſhall be exported, there ſhall be repaid at the cuſtom-houſe to the exporter within 30 days after demand 3 *s.* over and above the preſent bounties; oath being firſt made by the refiner, that the ſugar ſo exported was produced from brown and *Muſcovada* ſugar charged by this act, and that as he believes the ſame was imported from his Majeſty's plantations in *America*, and the duty paid at the importation, the exporter making oath that the ſame was exported, and his Majeſty's ſearcher certifying the ſhipping thereof, and all other requiſites being performed according to books of rates.

CCCLXXXVIII. *Sect.* 43. If any perſon be ſued for any thing done in purſuance of this act, he may plead the general iſſue; and if a verdict paſs for the defendant, *&c.* the defendant ſhall have treble coſts.

CCCLXXXIX. **Stat.** 28 *Geo.* 2. *cap.* 21. No brandy, arrack, rum, geneva, ſtrong waters, or other ſpirits imported into *Great Britain*, in any caſk or veſſel not containing 60 gallons at leaſt of ſuch liquors reſpectively, ſhall be entered or reported for exportation or exported to foreign parts; and all entries and reports made of ſuch liquors contrary to this act, are void; and all tea above the quantity of ſix pounds found in any *Britiſh* ſhip arriving in *Great Britain* from foreign parts (excepting thoſe employed by the *Eaſt India* company) ſhall be forfeited, whether ſuch tea be intended or reported for exportation or not.

CCCXC. **Stat.** 30 *Geo.* 2. *cap.* 18. *ſect.* 1. Any goods of the growth or manufacture of *France*, or of any of the dominions belonging to *France*, that have been or ſhall be taken during the war, and brought hither by any of his Majeſty's ſhips of war or privateers, ſhall upon condemnation as prize be landed in any port within this kingdom, and ſecured under the King's locks in warehouſes provided at the ſole expence of the captors, with the approbation and under the care of the reſpective commiſſioners, or other principal officers, of the cuſtoms and exciſe; and upon admiſſion of any ſuch goods taken ſince the declaration of war againſt *France*, into ſuch warehouſes, there ſhall be paid by the captors or their agents the following duties only; which ſhall not be afterwards drawn back upon exportation, *viz.* for all ſuch goods (except wines and vinegar and goods herein after enumerated) of the growth or manufacture of *France*, or any of the dominions belonging to *France*, taken by any of his Majeſty's ſhips of war, the half of the old ſubſidy granted by 12 *Car.* 2. *cap.* 4. and the whole of the further ſubſidy granted by 21 *Geo.* 2. *cap.* 2. called *The ſubſidy* 1747. and for the like goods if taken by any private ſhip of war, the half of the ſaid old ſubſidy, and no more; which duties ſhall be collected and applied as they are by law appropriated, ſubject to the cuſtomary diſcounts for damage: and for every ton of *French* wine and *French* vinegar taken either by his Majeſty's ſhips of war or privateers, 3 *l.* and ſo after the ſame rate for any greater or leſſer quantity; to be paid into the exchequer as part of the duties ariſing by 18 *Geo.* 2. *cap.* 9.

Wines.

CCCXCI. *Sect.* 2. The half of the old ſubſidy granted by 12 *Car.* 2. *cap.* 4. and the whole of the further ſubſidy of poundage granted by 21 *Geo.* 2. *cap.* 2. which is to be paid for ſuch prize goods taken by his Majeſty's ſhips of war; and the half of the old ſubſidy granted by 12 *Car.* 2. *cap.* 4. which is to be paid for ſuch prize goods taken by private ſhips of war, ſhall be payable *ad valorem*, upon the oath of the captors and their agents, upon the following goods, *viz.* all ſorts of woollen and ſilk manufactures, and hats, handkerchiefs, checks, knives and nails,

notwithſtanding the ſame may have been rated in the book of rates of the 12 *Car.* 2. or the additional book of rates of the 11 *Geo.* 1. and the ſaid duties *ad valorem* on the goods before enumerated, ſhall be levied by the ſame rules and under the ſame penalties as are directed by 11 *Geo.* 1. *cap.* 7.

CCCXCII. *Sect.* 3. No duties or cuſtoms ſhall be taken for any prize goods, conſiſting of any military or ſhip ſtores.

CCCXCIII. *Sect.* 4. Any prize goods of the growth or manufacture of *France*, or any of the dominions belonging to *France*, which ſhall be received into any warehouſe in purſuance of this act, or which are now in any warehouſe in this kingdom, under the King's locks by permiſſion of the commiſſioners of the cuſtoms, may upon payment of the reſpective duties directed by this act (if they have been taken ſince the declaration of war) be exported at any time directly from thence, either by the captors or any other perſons, without paying any further duty; and if ſuch goods have been taken before the declaration of war, they may be exported in like manner, without payment of any duty, the exporter giving ſecurity in double the value before the delivery out of the warehouſe, that the ſame ſhall be exported and not relanded in *Great Britain*, or the iſlands of *Guernſey*, *Jerſey*, *Alderney*, *Sark* or *Man*; which ſecurity the cuſtomer or collector of the port of exportation, is to take in his Majeſty's name, and to his uſe.

CCCXCIV. *Sect.* 5. If any goods be taken out of any warehouſe, wherein they are ſecured as aforeſaid, to be conſumed in this kingdom, the perſon ſo taking out the ſame, ſhall firſt pay up the remainder of the duties which would have been due, if the ſame had been regularly imported by way of merchandize, and ſuch goods ſhall in all other reſpects be liable to the ſame regulations as if this act had not been made.

CCCXCV. *Sect.* 6. Nothing in this act ſhall charge any wine with the before mentioned duty of 3 *l. per* ton, which ſhall at the time of landing the ſame be damaged, and which ſhall be given up by the captors or their agents to the officers of the cuſtoms, to be ſold, to be diſtilled into brandy, or be made into vinegar, in the manner directed by 12 *Geo.* 1. *cap.* 28.

CCCXCVI. *Sect.* 7. Nothing in this act ſhall leſſen or alter the duties by law payable upon goods, that are the growth or manufacture of any other country, except *France* and the dominions belonging to *France*, which may be taken as prize, and condemned in this kingdom.

CCCXCVII. **Stat.** 30 *Geo.* 2. *cap.* 29. *ſect.* 1. Every perſon who before the firſt of *May* 1757. ſhall have been guilty of illegal running, landing, unſhipping, concealing, receiving or carrying any wool, prohibited goods or foreign goods, liable to the duties of cuſtoms or exciſe, the ſame duties not having been paid or ſecured, or of aſſiſting therein; or ſhall have been armed with fire arms or other offenſive arms, in order to be aſſiſting any ſuch offenders, or have been guilty of reſcuing ſuch goods where duties had not been paid or ſecured, after ſeizure, from the officers of the cuſtoms or exciſe, or of any act whereby perſons may be deemed runners of foreign goods within the intent of any law now in force; or of obſtructing, wounding or beating any officer of the cuſtoms or exciſe, in the execution of his office, or of aſſiſting therein, ſhall be indemnified and diſcharged againſt the King, and any officer of the cuſtoms or exciſe, and all other perſons, from all the ſaid offences, concerning which no ſuit information or indictment ſhall have been commenced, or compoſition made, before the firſt of *May* 1757. upon the following terms, *viz.* that he do before he be apprehended or proſecuted for the ſame, and before the firſt of *December* 1757. enter himſelf with ſome commiſſion officer of his Majeſty's fleet, to ſerve as a common ſailor in the ſaid fleet, and do for three years at leaſt from the time of ſuch entry, unleſs he be ſooner diſcharged, *bona fide* ſerve as ſuch in the ſaid fleet, and alſo before the ſaid firſt of *December* 1757. regiſter his name, employment and uſual place of abode, with the clerk of the peace of the county or diviſion where he reſides, in a book to be kept by the ſaid clerk, among the records of the ſeſſions for the ſaid county or diviſion, and ſign ſuch regiſter; which entry ſhall be in the following form:

A. B.

A. B. *of* *claims the benefit of an act of the thirtieth year of the reign of his Majeſty King* George *the ſecond, and has entered himſelf with a commiſſion officer of his Majeſty's fleet, and has regiſtered his name in the book kept by the clerk of the peace of this county,* riding or diviſion, *this* *day of* *purſuant to the directions of the ſaid act.*

For which entry there ſhall be paid to the clerk of the peace of ſuch county or diviſion, 1 *s.* and the ſaid clerk of the peace ſhall immediately after the ſaid firſt of *May* 1757. from time to time, tranſmit to the commiſſioners of the cuſtoms and exciſe an account of all the perſons who have by ſuch entry intitled themſelves to claim the benefit of this act.

CCCXCVIII. *Sect.* 2. Every perſon who ſhall make ſuch entry and claim the benefit of this act, and afterwards commit any of the like offences as thoſe before mentioned, or at any time after deſert from the ſaid ſervice, or within the ſaid three years unduly procure his diſcharge, ſhall be ſubject to be proſecuted not only for ſuch new offence, but alſo be ſubject to all the ſame pains and penalties as he would have been ſubject to in caſe this indemnity had never been given.

CCCXCIX. *Sect.* 3. If any officer of his Majeſty's navy by falſe muſter or certificate, or in conſideration of any gratuity, or by any other colluſive means, ſuffer ſuch perſon to avoid the actual ſervice as aforeſaid, ſuch perſon ſhall not only loſe the benefit of this act, but every ſuch officer ſhall ſuffer the penalty of 500*l.*

CCCC. *Sect.* 4. No perſon who ſhall have made ſuch entry with the clerk of the peace, or be intitled to any benefit by virtue of this act of indemnity, ſhall be capable of maintaining any action againſt any officer of the cuſtoms or exciſe, or againſt any perſon aſſiſting to any officer, for any thing done by ſuch officer, or perſon aſſiſting him, on occaſion of any thing by this act intended to be indemnified and diſcharged; but ſuch claim ſhall be deemed a releaſe to ſuch officer, who may plead the general iſſue, and give a copy of ſuch claim ſo entered with the clerk of the peace, and this act, in evidence on ſuch action or proſecution.

CCCCI. *Sect.* 5. No perſon who ſhall duly enter himſelf to ſerve as a common ſailor in his Majeſty's fleet for three years at leaſt, in purſuance of this act, ſhall during ſuch three years (unleſs he within ſuch time deſert) be liable to be apprehended, or to be ſued for the offences intended to be releaſed by this act.

CCCCII **Stat.** 32 *Geo.* 2. *cap.* 10. *ſect.* 1. After the fifth of *April* 1759. there ſhall be paid unto his Majeſty for all tobacco, foreign linnens, ſugar and other grocery, as the ſame is underſtood in the book of rates, except currants; *Eaſt India* goods, except coffee and raw ſilks; foreign brandy and ſpirits, except rum of the produce of the *Britiſh* ſugar plantations; and paper which ſhall be imported into *Great Britain*, a further ſubſidy of poundage of 1 *s.* in the pound, according to the value ſet upon the ſaid commodities by the ſeveral books of rates or any act of parliament relating thereunto; which ſubſidy ſhall be paid by the importer before the landing, over and above all other duties.

CCCCIII. *Sect.* 2. The ſubſidy by this act impoſed ſhall be paid into the exchequer, in ſuch manner and with ſuch allowances and under ſuch penalties and according to ſuch rules as are preſcribed for the ſubſidy of five *per cent.* granted by 21 *Geo.* 2. *cap.* 2. or contained in any other act by the ſaid act referred unto; and all the powers, clauſes and things now in force, contained in the ſaid act of 21 *Geo.* 2. *cap.* 2. or in any other act in the ſaid act referred unto, for raiſing the ſubſidies thereby granted, ſhall be put in execution for raiſing the ſubſidy of 1 *s.* in the pound by this act granted.

CCCCIV. *Sect.* 3. If any of the goods charged with the ſubſidy by this act, have been, or during the war with *France*, ſhall be taken and brought into any port of this kingdom by any of his Majeſty's ſhips or any private ſhips of war, and condemned, the ſame ſhall not be liable to any other duty than what they are reſpectively charged with, by 30 *Geo.* 2. *cap.* 18. unleſs the ſaid goods ſo taken and condemned, ſhall for home conſumption be taken out of any warehouſe wherein they are ſecured; in which caſe the perſon

perſon ſo taking out the ſaid goods ſhall firſt pay up the ſubſidy by this act granted, as well as all other duties.

CCCCV. *Sect.* 4. Importers of tobacco ſhall, upon paying the ſubſidy hereby granted have the ſame allowance with reſpect to this ſubſidy, as they are intitled to by any law upon tobacco imported; but in caſe the ſubſidy hereby granted be not paid down, and the importers become bound for payment thereof in 18 months, in manner directed by 21 *Geo.* 2. *cap.* 2. *ſect.* 5. **Tobacco,** then the importers ſhall be intitled to the ſame allowances, with reſpect to the ſubſidy hereby granted, or for paying the ſame before the bonds become due, as they are intitled to by any law now in force upon bonds given for tobacco imported.

CCCCVI. *Sect.* 5 Where any goods that have paid the ſubſidy hereby granted, ſhall be again exported within three years from the importation, the ſubſidy by this act granted, and which ſhall have been actually paid for ſuch goods, ſhall without delay or reward be paid to the exporter, or the ſecurity vacated; except for ſuch goods as by any former act it is declared no drawback ſhall be allowed upon exportation.

CCCCVII. *Sect.* 6. So much money as ſhall be paid for the duties granted by this or any former act, for any quantities of paper uſed in printing any books in the latin, greek, oriental or northern languages, within the two univerſities of *Oxford* or *Cambridge*, by permiſſion of the vice chancellors reſpectively, ſhall be repaid as is preſcribed by 10 *Ann. cap.* 19. **Books.**

CCCCVIII. *Sect.* 7. So much money as ſhall be paid for the duties granted by this or any former act, for any quantities of paper uſed in printing any books in the latin, greek, oriental or northern languages, within the univerſities of *Scotland*, by permiſſion of the principal of the ſame reſpectively, ſhall be repaid as is preſcribed by 10 *Ann. cap.* 19.

CCCCIX. *Sect.* 8. For every 100 weight of ſugar imported into *Great Britain* after the fifth of *April* 1759. and refined there, that ſhall be exported, there ſhall be repaid at the cuſtom-houſe to the exporter within 30 days after demand 3 *s.* over and above the preſent bounties; oath being firſt made by the refiner, that the ſugar ſo exported was produced from brown and *Muſcovada* ſugar charged by this act, and that as he believes the ſame was imported from his Majeſty's plantations in *America*, and the duty paid at the importation, the exporter making oath that the ſame was exported, and his Majeſty's ſearchers certifying the ſhipping thereof, and all other requiſites being performed according to the books of rates.

CCCCX. *Sect.* 9. In the office of the auditor of the receipt of the exchequer, books ſhall be kept, in which all the money ariſing from the ſaid additional ſubſidy, and paid into the ſaid receipt, ſhall be entered apart from all other monies; and the money ſo ariſing ſhall be part of the fund eſtabliſhed for the payment of annuities in conſideration of the money borrowed upon this act.

CCCCXI. *Sect. ult.* Perſons ſued for any thing done in purſuance of this act, may plead the general iſſue; and if a verdict paſs for the defendant, *&c.* the defendant ſhall have treble coſts.

See **Brandy, Exciſe, Drugs, Fiſhery, Glaſs, India goods, Iron, Pictures, Spices, Tobacco, Wine.**

Days in bank.

XXIII. **Stat.** 24 *Geo.* 2. *cap.* 48. *ſect.* 1. There ſhall be in *Michaelmas* term four common days of return only, *viz. the morrow of All Souls*; *the morrow of St. Martin*; *in eight days of St. Martin*; and *in fifteen days of St. Martin.*

XXIV. *Sect.* 2. The ſame days of returns ſhall be obſerved in all the high courts of record of the King; and there ſhall not be any days of return, *from the day of St. Michael in three weeks*, nor *from the day of St. Michael in one month*, nor either of them; and the ſaid term of *St. Michael* yearly ſhall begin upon the morrow of *All Souls*, (except it be on a *Sunday* and then on the morrow next after) for the keeping of eſſoins, profers, returns, *&c.* in like manner as hath been uſed in the day of the return, called

led *from the day of St. Michael in three weeks*; and the full term of *St. Michael*, ſhall yearly begin upon the fourth day of the ſaid *morrow of All Souls*, except it be on a *Sunday* and then on the morrow next after.

XXV. *Sect.* 3. If any writ of dower *unde nihil halet*, or writ of entry for common recoveries, or writ of right of advowſon, or in any other real action, be returnable in the common pleas, in *the morrow of All Souls*, day ſhall be given *in fifteen days of St. Martin*; if *on the morrow of St. Martin*, then *in eight days of St. Hilary*; if *in eight days of St. Martin*, then *in fifteen days of St. Hilary*; if *in fifteen days of St. Martin*, then *on the morrow of the Purification*; if *in eight days of St. Hilary*, then *in eight days of the Purification*; if *in* 15 *days of St. Hilary*, then *in* 15 *days of Eaſter*; if *on the morrow of the Purification*, then *in three weeks from the day of Eaſter*; if *in eight days of the Purification*, then *in one month from the day of Eaſter*; if *in* 15 *days of Eaſter*, then *in five weeks from the day of Eaſter*; if *in three weeks from the day of Eaſter*, then *on the morrow of the Aſcenſion of our Lord*; if *in one month from the day of Eaſter*, then *on the morrow of the Holy Trinity*; if *in five weeks from the day of Eaſter*, then *in eight days of the Holy Trinity*; if *on the morrow of the Aſcenſion of our Lord*, then *in* 15 *days of the Holy Trinity*; if *on the morrow of the Holy Trinity*, then *in three weeks from the day of the Holy Trinity*; if *in eight days of the Holy Trinity*, then *on the morrow of All Souls*; if *in* 15 *days of the Holy Trinity*, then *on the morrow of St. Martin*; if *in three weeks of the Holy Trinity*, then *in eight days of St. Martin.*

XXVI. *Sect.* 4. In all writs of dower *unde nihil habet*, after iſſue joined, it ſhall not be needful to have above 15 days betwixt the *teſte* and return of the *venire*, or any other proceſs for trial of the iſſue.

XXVII. *Sect.* 5. All writs and proceſs to be made out of any of his Majeſty's courts at *Weſtminſter*, and having day from the fourth day of the morrow of the *Aſcenſion*, to the morrow of the *Holy Trinity*, ſhall be good notwithſtanding there be not 15 days between the *teſte* and the return of the ſaid writs.

XXVIII. *Sect.* 8. Upon common recoveries in writs of entry, and writs of right of advowſon, all writs of ſummons to warrant upon the appearance of the tenant to ſuch writ of entry and writ of right of advowſon, ſhall be abridged to four returns incluſive.

XXIX. *Sect.* 9. In ſuch caſes as ſpecial days have been uſed to be given, it ſhall be lawful to the juſtices of the King's courts of record to appoint ſpecial days of returns.

XXX. *Sect.* 10. The days of aſſiſe in *darrein preſentment*, and in a plea of *quare impedit* limited by the ſtatute of *Marlbridge*, 52 *Hen.* 3. *cap* 12. and alſo the days to be given in attaint limited in 5 *Edw.* 3. *cap.* 6. and 23 *Hen.* 8. *cap.* 3. not contrary to this act, ſhall ſtand in force.

Debt and Debtors.

III. **Stat.** 22 *Geo.* 2. *cap.* 47. *ſect.* 1. Such pariſhioners of the ſeveral pariſhes within the borough of *Southwark*, and of the pariſhes of *St. Saviour*, *Saint Mary* at *Newington*, *St. Mary Magdalen Bermondſey*, *Chriſt-Church*, late part of *St. Saviour*, *St. Mary Lambeth*, and *St. Mary* at *Rotherhith*, in the county of *Surry*, as have a right to aſſemble in their reſpective veſtries, ſhall on every *Tueſday* next after *Eaſter* in every year, nominate in the whole 132 ſubſtantial perſons reſiding within their reſpective pariſhes, to be commiſſioners for the purpoſes after mentioned; *viz.* the pariſh of *St. Olave* in *Southwark*, to nominate twelve; *St. John* in *Southwark* twelve; *St. George* in *Southwark* twelve; *St. Thomas* in *Southwark* ſix; *St. Saviour* eighteen; the pariſh of *Newington* twelve; *St. Mary Magdalen Bermondſey* eighteen; *Chriſt-Church* ſix; the pariſh of *Lambeth* eighteen; and the pariſh of *Rotherhith* eighteen: And the church-wardens of each pariſh or one of them, ſhall within two days after ſuch nomination, cauſe two liſts to be made of the perſons nominated; and cauſe one liſt to be fixed on the church door of their reſpective pariſh; and deliver the other to the chief bailiff of the borough of *Southwark*, or his deputy, who ſhall forthwith cauſe a copy of ſuch liſts to be ſtuck up in the town hall of the borough of *Southwark*; which perſons ſo nominated are hereby conſtituted commiſſioners to hear and determine all ſuch

matters of debt as are after mentioned; and are conſtituted a court of juſtice by the name of *The court of requeſts for the town and borough of* Southwark *in the county of* Surry; and three or more commiſſioners are to hold the ſaid court twice in every week, *viz.* on every *Tueſday* and *Friday*, in the court houſe of the ſaid borough at *St. Margaret's Hill*, or ſome other place near; ſo as not to interrupt the buſineſs to be done before the juſtices of aſſize, *oyer* and *terminer*, gaol delivery, or juſtices of the peace, or the courts leet or courts of ſewers, uſually held in the ſaid court houſe. And the commiſſioners have power to give judgment, and award execution with coſts, againſt the bodies or goods of all perſons againſt whom they give judgment.

IV. *Sect.* 2. The chief bailiff or his deputy ſhall within two days after ſuch liſts returned to him, ſummon the firſt three perſons in each liſt containing eighteen, the firſt two in each liſt containing 12, and the firſt perſon in each liſt containing ſix, to attend as commiſſioners of the ſaid court for one calendar month; and the like number out of every liſt as they ſtand in order from month to month.

V. *Sect.* 3. Nothing herein before contained ſhall exclude any of the commiſſioners (although they be not in rotation) from ſitting in the ſaid court; but all ſuch commiſſioners may, as often as they think fit, ſit and give judgment.

VI. *Sect.* 4. It ſhall be lawful for every inhabitant of the ſaid borough, and the ſaid ſeveral pariſhes, and for all perſons renting or keeping any ſhop, ſtall or ſtand, or ſeeking a livelihood within the ſaid borough or any of the pariſhes or precincts aforeſaid, who have any debts owing unto them not exceeding 40 *s.* by any perſon inhabiting or ſeeking a livelihood within the ſaid borough, *&c.* to cauſe ſuch debtor to be ſummoned by the chief bailiff of the ſaid borough or his deputy officer, who are to execute all warrants, precepts, and proceſs of the ſaid court, by writing left at the place of abode, ſhop, or place of dealing of ſuch debtor, or by any other reaſonable notice, to appear before the commiſſioners; and the commiſſioners after ſuch ſummons have power to make ſuch orders between ſuch parties plaintiffs, and their debtors defendants, touching ſuch debts, as they find to ſtand with equity and good conſcience; and all ſuch proceedings ſhall be regiſtered by the clerks of the court or their deputies; and ſhall be performed, as well by the plaintiff, as the debtor.

VII. *Sect.* 5. It ſhall be lawful for the commiſſioners to adminiſter an oath to the plaintiff or defendant, and to witneſſes produced by each party, and to all the officers of the court concerning any buſineſs relative thereunto, if they think it meet.

VIII. *Sect.* 6. If in any action of debt, or on the caſe upon an *aſſumpſit* for any debt, to be ſued againſt any perſon aforeſaid, in any court at *Weſtminſter*, or elſewhere out of the ſaid court of requeſts, it ſhall appear to the judge that the debt to be recovered by the plaintiff doth not amount to 40 *s.* and the defendant in ſuch action prove, that at the time of commencing ſuch action ſuch defendant was inhabiting within the ſaid borough, or any of the pariſhes aforeſaid, and was liable to be ſummoned before the ſaid court of requeſts, the judge ſhall not allow to the plaintiff any coſts; but ſhall award that the plaintiff pay ſo much ordinary coſts to the defendant, as ſuch defendant ſhall prove it hath coſt him in defence of the ſuit.

IX. *Sect.* 7. If any perſon contemptuouſly affront, inſult or abuſe any of the commiſſioners during their ſitting in court, it ſhall be lawful for the ſaid chief bailiff, or his deputy or officer, by order of the commiſſioners then ſitting, to take ſuch perſon into cuſtody, and carry him before a juſtice of peace for the county of *Surry*, and upon the fact alledged being proved, upon the oath of one witneſs, the juſtice ſhall puniſh ſuch perſon by fine or impriſonment, or both; provided the fine on one perſon do not exceed 20 *s.* and the impriſonment be for no longer than 10 days.

X. *Sect.* 8. Upon nonpayment of the fine, it ſhall be lawful for the juſtice to iſſue a warrant for levying the fine upon the goods of ſuch offender, then inhabiting within the ſaid limits, and to cauſe ſale to be made thereof, in caſe they be not redeemed in five days; which fine ſhall be paid over to the churchwardens or overſeers of the poor of the pariſh, wherein ſuch offender at the time of ſuch offence inhabits or ſeeks a livelihood, towards the ſupport of the poor; and if ſuch offender be not inhabiting within the ſaid limits or have not goods within the ſaid limits, then upon nonpayment of ſuch fine, it ſhall be lawful for the juſtice by warrant to commit ſuch offender to the county gaol of *Surry* until he pay the fine, not exceeding one calendar month;

month; and ſuch fine ſhall be paid over to the juſtice who granted ſuch warrant, to be diſtributed among the poor priſoners for debt in the ſaid priſon.

XI. *Sect.* 9. The clerks of the ſaid court ſhall fix up in the moſt public part of the court houſe of the ſaid borough, or other place where commiſſioners ſhall ſit, a copy of the two laſt preceding clauſes of this act.

XII. *Sect.* 10. In caſe any perſon make oath or give evidence, in any cauſe in the ſaid court, whereby he ſhall commit wilful or corrupt perjury, and be convicted, he ſhall incur the like pains and penalties as any other perſon convicted of wilful perjury.

XIII. *Sect.* 11. *John Butler*, of the pariſh of *St. Olave Southwark* in the county of *Surry*, gentleman, and *Hammett Richardſon*, of the pariſh of *St. Mary Magdalen Bermondſey* in the county aforeſaid, gentleman, are appointed clerks of the ſaid court during their reſpective good behaviour; who ſhall iſſue all ſummonſes and proceedings of the court; and keep books wherein ſhall be entered all acts of the ſame court.

XIV. *Sect.* 12. It ſhall be lawful for the commiſſioners in court or the major part of them, on the next court day after the death, reſignation or legal amoval of either of the ſaid *John Butler*, and *Hammett Richardſon*, or ſo ſoon after as the ſame is publicly known, to cauſe the whole number of commiſſioners to be ſummoned to meet at the place aforeſaid, within 20 days after their being ſummoned; and ſuch commiſſioners at ſuch meeting are by ballot to elect another perſon; and ſo upon every vacancy of the ſaid office of clerk.

XV. *Sect.* 13. No perſon ſhall be capable of acting as commiſſioner in the execution of the powers given by this act, until he ſhall have taken an oath to the effect following:

I *A. B. do ſwear, that I will faithfully, impartially and honeſtly, according to the beſt of my judgment, hear and determine ſuch matters and things as ſhall be brought before me by virtue of an act of parliament, intituled,* An act for the more eaſy and ſpeedy recovery of ſmall debts, within the town and borough of *Southwark*, and the ſeveral pariſhes of *St. Saviour*, *St. Mary* at *Newington*, *St. Mary Magdalen Bermondſey*, *Chriſt-Church*, *St. Mary Lambeth*, and *St. Mary* at *Rotherhith*, in the county of *Surry*, and the ſeveral precincts and liberties of the ſame; *without favour or affection to either party.*

Which oath one of the clerks is to adminiſter; and ſhall cauſe a memorial thereof to be entered among the records of the court.

XVI. *Sect.* 14. The fees hereafter expreſſed and no more, ſhall be taken for the reſpective ſervices of the bailiff and clerks; *viz.*

For every ſummons, to the bailiff 3 *d.* to the clerk 3 *d.*
For every hearing, to the bailiff 1 *d.* to the clerk 3 *d.*
For an attachment againſt the defendant for not appearing to the ſummons, to the bailiff 1 *s.* 2 *d.* to the clerk 6 *d.*
For giving notice to the complainant of the ſervice of the attachment, to the bailiff 4 *d.*
For an execution, to the bailiff 1 *s.* 2 *d.* to the clerk 10 *d.*
For paying money into court, to the bailiff 1 *d.* to the clerk 7 *d.*
For acknowledging ſatisfaction in full, to the bailiff 2 *d.* to the clerk 4 *d.*
For acknowledging ſatisfaction in part, to the bailiff 1 *d.* to the clerk 3 *d.*
For ſearching the books, to the clerk 2 *d.*
For calling the defendant before the court when he refuſes to appear, to the bailiff 2 *d.* to the clerk 2 *d.*
For the complainant's marking his appearance, to excuſe his attendance the firſt court day, to the clerk 4 *d.*
For a nonſuit on the plaintiff not appearing, to the clerk 2 *d.*

A table of which fees ſhall be hung up by one of the clerks in ſome conſpicuous part of the court houſe, or place where the commiſſioners meet; and if the chief bailiff or any of his officers take any greater fees than above mentioned, or otherwiſe miſbehave

behave in his office, for every ſuch offence he ſhall forfeit 20 *l.* to any perſon who ſhall ſue for the ſame in any court of record at *Weſtminſter*, with coſts, by action of debt, *&c.* in which no eſſoin, *&c.* ſhall be allowed; ſo that ſuch action be commenced within three calendar months after the offence committed.

XVII. *Sect.* 15. Upon complaint of the miſbehaviour of any clerk, or of any clerk taking any greater fees than above-mentioned, it ſhall be lawful for the commiſſioners then ſitting to inquire into ſuch complaint; and if it appear that ſuch complaint deſerves the conſideration of the whole number of commiſſioners, they are to cauſe the whole number to be ſummoned to meet as ſoon as may be, by public notice in the ſeveral pariſh churches by the pariſh clerks, immediately after divine ſervice, on the *Sunday* morning next before ſuch meeting, ſuch *Sunday* being at leaſt four days before ſuch meeting; and if it then appear to the major part of the commiſſioners that ſuch clerk hath been guilty of a groſs miſbehaviour, it ſhall be lawful for them to ſuſpend or remove him and to elect another.

XVIII. *Sect.* 16. This act ſhall not extend to any debt for any rent upon any leaſe of lands or tenements or any other real contracts, nor to any other debt that ſhall ariſe by reaſon of any cauſe concerning teſtament or matrimony, or any thing properly belonging to the eccleſiaſtical court, albeit the ſame be under 40 *s.*

XIX. *Sect.* 17. If any action be brought for any thing done in purſuance of this act, ſuch action ſhall be brought within three calendar months after the fact committed; and the defendant may plead the general iſſue, and if the plaintiff be nonſuited *&c.* the defendant ſhall recover treble coſts.

XX. *Sect.* 18. The affirmation of quakers ſhall be allowed where any oath is directed to be taken by this act, inſtead of ſuch oath; and every perſon convicted of wilful and falſe affirming, ſhall incur the ſame penalties as are inflicted by law upon perſons convicted of wilful and corrupt perjury.

XXI. *Sect.* 19. This act ſhall be deemed a public act.

The juriſdiction of the court of conſcience eſtabliſhed by this act is extended by 32 Geo. 2. cap. 6. *which ſee below.*

XXII. **Stat.** 23 *Geo.* 2. *cap.* 27. *ſect.* 1. All the pariſhioners of the ſeveral pariſhes within the city and liberty of *Weſtminſter*, and that part of the duchy of *Lancaſter* which adjoineth thereto, who have a right to aſſemble in veſtry, ſhall meet on the firſt of *May* in every year, if not a *Sunday*, and then upon the next day, at 10 in the forenoon, in the veſtries in their reſpective pariſhes, and nominate in the whole 242 ſubſtantial perſons reſiding within their reſpective pariſhes, to be commiſſioners for the purpoſes hereafter mentioned; to be appointed in manner following; *viz.* of the pariſh of *St. Margaret* 30; of *St. John the Evangeliſt* 20; of *St. James* 42; of *St. George Hanover-Square* 30; of *St. Anne* 24; of *St. Martin in the Fields* 40; of *St. Clement Danes*, as well within the liberty of *Weſtminſter* as without, 24; of *St. Mary le Strand* 12; and *St. Paul Covent Garden* 20: and the churchwardens of each pariſh or one of them ſhall within two days after ſuch nomination cauſe two liſts to be made of the perſons ſo nominated, and cauſe one of the liſts to be fixed up on the church door of each pariſh; and deliver the other to the high bailiff of the ſaid city and liberty or his deputy, who ſhall forthwith cauſe a copy of ſuch liſts to be ſtuck up in the ſeveral places where the ſaid commiſſioners ſhall aſſemble; which perſons ſo nominated ſhall be commiſſioners to hear and determine all ſuch matters of debt as are hereafter mentioned; and are conſtituted a court of juſtice, by the name of *The court of requeſts for the city and liberty of* Weſtminſter, *and that part of the ducky of* Lancaſter *which adjoineth thereto*; and they or three of them are to hold the ſaid court in manner herein after mentioned; *altered by* 24 Geo. 2. cap. 42. ſect. 2 and 3. And ſuch commiſſioners or any three of them, ſhall have power to hear and determine in their reſpective diviſions, all ſuch cauſes as are after mentioned, and to pronounce judgment and award execution thereupon, with coſts, againſt the bodies or againſt the goods of all perſons againſt whom they ſhall give judgment; ſo as no perſon ſhall remain in priſon upon an execution longer than 40 days.

XXIII. *Sect.* 2. No perſon ſhall be capable of acting as a commiſſioner in the execution of the powers given by this act, unleſs at the time of his nomination, and du-

ring the time he ſhall ſo act, he be ſeiſed of lands or hereditaments of the yearly value of 20*l.* clear of all incumbrances, or be poſſeſſed of a perſonal eſtate of the value of 500*l.*

XXIV. *Sect.* 3. If any perſon ſummoned by virtue of this act, ſhall not perform ſuch order as the commiſſioners make concerning ſuch debts as aforeſaid, it ſhall be lawful for the commiſſioners or any five of them, after perſonal ſervice of the ſaid order and proof thereof, to commit ſuch perſon to one of his Majeſty's gaols within the city and liberty of *Weſtminſter*, until he perform ſuch order, ſo as no perſon remain in priſon longer than 40 days.

XXV. *Sect.* 4. The high bailiff ſhall within two days after ſuch liſts returned to him, ſummon the firſt ſeven perſons in each liſt containing 42 and 40, the firſt five in each liſt containing 30, the firſt four in each liſt containing 24 and 20, and the firſt two in each liſt containing 12, to attend as commiſſioners in their reſpective diviſions for the month of *May*, and the like number out of every liſt as they ſtand in order to ſerve from month to month.

XXVI. *Sect.* 5. Nothing herein before contained ſhall exclude any of the commiſſioners (although they be not in rotation) from ſitting in the ſaid court, in each reſpective diviſion, but all ſuch commiſſioners may, as often as they think fit, ſit and give judgment therein.

XXVII. *Sect.* 6. It ſhall be lawful for every inhabitant within the ſaid city and liberty, or the ſaid part of the ſaid duchy, and for all perſons renting or keeping any ſhop, ſtall or ſtand, or ſeeking a livelihood within the ſaid city and liberty of *Weſtminſter*, or in the ſaid part of the ſaid duchy, who have any debts owing unto them not amounting to 40*s.* by any perſon inhabiting or ſeeking a livelihood within the ſaid city and liberty of *Weſtminſter*, or in that part of the ſaid duchy aforeſaid, to apply to one of the clerks of the ſaid court, who ſhall cauſe ſuch debtor to be ſummoned by the ſaid high bailiff or his officer, (who are to execute all proceſs of the ſaid court of requeſts) by writing left at the place of abode, ſhop, or place of dealing of ſuch debtor, to appear before the commiſſioners for ſuch diviſion where ſuch debtor inhabits; and the commiſſioners or three of them, ſhall after the return of ſuch ſummons have power to make ſuch orders between ſuch parties plaintiffs, and their debtors defendants, touching ſuch debts as they find to ſtand with equity and good conſcience; and all ſuch proceedings ſhall be regiſtered by the clerks of the court; and ſhall be performed as well by the plaintiff as by the debtor. *See* 24 Geo. 2. cap. 42. ſect. 7. *infra.*

XXVIII. *Sect.* 7. It ſhall be lawful for the commiſſioners to adminiſter an oath to the plaintiff or defendant, and to witneſſes produced by each party; and to all the officers of the ſaid court concerning any buſineſs relative thereunto, if they think it meet.

XXIX. *Sect.* 8. If in any action of debt, or on the caſe upon an *aſſumpſit* againſt any perſon aforeſaid, in any court at *Weſtminſter* or elſewhere, out of the ſaid court of requeſts, the plaintiff declare for any ſum not amounting to 40*s.* the defendant may plead in bar of ſuch action, that at the time of commencing ſuch action he was inhabitant within the city and liberty of *Weſtminſter*, or that part of the duchy aforeſaid, and was liable to be ſummoned before the ſaid court of requeſts, without pleading any matter ſpecially; and in caſe the plaintiff declare for 40*s.* or any greater ſum, the defendant may plead generally (over and above ſuch matters as aforeſaid) that he was not at the commencing ſuch action indebted to the plaintiff in any ſum amounting to 40*s.* without pleading any other matter ſpecially; whereunto the plaintiff may reply generally and deny the matters pleaded as aforeſaid; and if the plaintiff be nonſuited, or diſcontinue his action, or verdict paſs againſt him, or judgment be given on demurrer, the defendant ſhall have full coſts.

XXX. *Sect.* 9. It ſhall be lawful for the plaintiff in ſuch action, afterwards to proſecute the defendant for the ſaid debt in the court of requeſts.

Sect. 10, 11, 12, 13. *are to the ſame effect as ſect* 7, 8, 9, 10. *of* 22 Geo. 2. cap. 47. Par. IX, X, XI, XII. *except that the fines for contempts on perſons not reſiant within the juriſdiction, as well as on reſiants, are to be paid to the churchwardens or overſeers of the poor of the pariſh in which the offender dwells or ſeeks a livelihood.*

XXXI. *Sect.* 14. *Thomas Smith*, *Stephen Popham*, *Harman Verelſt*, and *John Sprange*, gentlemen, ſhall be clerks of the ſaid court during their reſpective good behaviour; who ſhall iſſue and regiſter all ſummons and proceedings of the ſaid court; and keep books wherein ſhall be entered all acts of the ſame court; and no clerk of the court ſhall act as a juſtice of peace within the limits of the juriſdiction of the ſaid court.

XXXII. *Sect.* 15. It ſhall be lawful for the commiſſioners ſitting on the next court day after the death, reſignation, or removal of any of the ſaid clerks, or ſo ſoon after as the ſame is publicly known, or the major part of them, to cauſe the whole number of commiſſioners to be ſummoned to meet at ſome place appointed within four days after their being ſummoned; and at ſuch meeting the major part preſent, are to elect another clerk; and ſo upon every vacancy of the office of clerk.

See 24 Geo. 2. cap. 42. ſect. 5 and 6.

XXXIII. *Sect.* 16. No perſon ſhall be capable of acting as commiſſioner in the execution of the powers given by this act, until he ſhall have taken an oath to the effect following:

I A. B. *do ſwear, that I will faithfully, impartially and honeſtly, according to the beſt of my judgment, hear and determine ſuch matters and things as ſhall be brought before me by virtue of an act of parliament,* (*intituled,* An act for the more eaſy and ſpeedy recovery of ſmall debts, within the city and liberty of *Weſtminſter*, and that part of the duchy of *Lancaſter* which adjoineth thereto) *without favour or affection to either party; and that I am now ſeiſed of lands, tenements or hereditaments, of the yearly value of* 20 *l. clear of all incumbrances; or that I am poſſeſſed of a perſonal eſtate of the value of* 500 *l.*

Which oath the clerks or one of them, are to adminiſter in open court; a memorial whereof ſhall be entered in the regiſters of the ſaid court.

Sect. 17. *which appoints the fees of the court is altered by* 24 Geo. 2. cap. 42. ſect. 4.

XXXIV. *Sect.* 18. If the ſaid high bailiff or any of his officers, or any of the clerks, take any greater or other fee than as above-mentioned, or otherwiſe miſbehave, upon complaint to the commiſſioners in court, and proof thereof by the oath of one witneſs, the commiſſioners ſhall puniſh ſuch perſon by fine not exceeding 5 *l.* for one offence; to be levied by diſtreſs and ſale of the offender's goods, by warrant of the commiſſioners or three of them, and to be applied to the uſe of the ſick in the *Weſtminſter* infirmary.

XXXV. *Sect.* 19. If upon complaint of the miſbehaviour of any clerk, or of any clerk's taking any greater or other fees than as above-mentioned, it appear to the commiſſioners preſent that ſuch offence deſerves a greater puniſhment than is before provided, it ſhall be lawful for the commiſſioners then ſitting to cauſe the whole number of commiſſioners to be ſummoned to meet, by public notice in the ſeveral pariſh churches aforeſaid (which notice the pariſh clerks are to give without fee) immediately after divine ſervice, on the *Sunday* morning next before ſuch meeting, (ſuch *Sunday* to be at leaſt three days before the day of meeting) to examine into ſuch complaint; and if it then appear to the commiſſioners, being not leſs than 60 preſent, or to the major part of them, that ſuch clerk hath been guilty of a groſs miſbehaviour in his office, it ſhall be lawful for them to ſuſpend or remove ſuch clerk from his office, and to elect another.

XXXVI. *Sect.* 20. This act ſhall not extend to any debt for any rent upon any leaſe of lands or tenements, or on any other real contracts, nor to any debt which ſhall ariſe by reaſon of any cauſe concerning teſtament or matrimony, or any thing properly belonging to the eccleſiaſtical court, albeit the ſame be under 40 *s.*

XXXVII. *Sect.* 21. No action for any debt not amounting to 40 *s.* and recoverable by virtue of this act in the ſaid court, ſhall be brought againſt any perſon reſiding within the juriſdiction thereof in any other court.

XXXVIII. *Sect.* 22. And whereas the four council of the *Marſhalſea*, and court of his Majeſty's palace at *Weſtminſter*, who hold their offices for life, and have been

made chargeable by parliament, and aſſeſſed to the land-tax for their ſaid offices, will ſuſtain great loſs by this act, unleſs a compenſation be made them; be it enacted, that the ſaid high bailiff and the clerks of the ſaid court of requeſts ſhall, out of the fees limited to them by this act, pay unto *John Lawſon*, *Lomax Martyn*, *George Weller*, and *John Le Groſs Spellman*, Eſquires, the preſent council of the ſaid courts during their lives, the yearly ſum of 20*l.* a piece, at the four uſual feaſts. *See* 23 Geo. 2. cap. 30. ſect. 22. *infra*.

XXXIX. *Sect.* 23. If any action be brought for any thing done in purſuance of this act; ſuch action ſhall be brought within three calendar months after the fact committed, and the defendant may plead the general iſſue; and if the plaintiff become nonſuited, *&c.* the defendant may recover treble coſts.

XL. *Sect.* 24. This act ſhall be deemed a public act.

XLI. **Stat.** 23 *Geo.* 2. *cap.* 30. *ſect.* 1. Such pariſhioners of the ſeveral pariſhes and places within the *Tower-hamlets*, (the precinct of the *Tower-within* only excepted) as have a right to aſſemble for the choice of officers in their reſpective veſtries or places for tranſacting public buſineſs, ſhall on every *Tueſday* next after *Eaſter* in every year, nominate in the whole 240 ſubſtantial perſons reſiding within their reſpective pariſhes, *&c.* each ſeiſed of lands or hereditaments of the value of 20*l. per annum*, clear of all incumbrances, or poſſeſſed of a perſonal eſtate of the value of 500*l.* or more, clear of all incumbrances, to be commiſſioners for the purpoſes herein after mentioned, in manner following; *viz.* ſuch pariſhioners of *St. Mary*, *Whitechapel*, to nominate 31; of *Chriſt Church* 21; of *St. Leonard*, *Shoreditch* 20; of *St. John*, *Hackney* 18; of *St. Matthew*, *Bethnal Green* 8; of *St. Mary*, *Stratford Bow* 4; of *Bromley St. Leonard* 3; of *St. Anne* 8; of *St. Paul*, *Shadwell* 16; of *St. George* 18; of *St. John*, *Wapping* 17; of *St. Botolph without Aldgate*, commonly called *The liberty of* Eaſt Smithfield 15; of *Trinity Minories* 3; the hamlet of *Mile End Old Town* 8; the hamlet of *Mile End New Town* 3; the hamlet of *Radcliff* 15; the hamlet of *Poplar* and *Blackwall* 7; (which laſt mentioned four hamlets are within the pariſh of *St. Dunſtan Stepney* in *Middleſex*,) the precinct of the *Tower-without* 6; the precinct of *St. Katherine's* 7; the precinct of *Well Cloſe* 3; the precinct of the *Old Artillery Ground* 4; the liberty of *Norton Falgate* 5. And the churchwardens of each of the pariſhes or hamlets, and the overſeers of the poor of each of the liberties, precincts or places aforeſaid, or one of them, ſhall within two days after ſuch nomination, cauſe two liſts to be made of the perſons ſo reſpectively nominated; and the reſpective churchwardens ſhall cauſe one of the ſaid liſts to be fixed up at the church door of each pariſh; and the overſeers of the poor of each liberty or precinct not being a pariſh, ſhall cauſe one of the ſaid liſts to be fixed up in ſome public place in each of their reſpective liberties or precincts; and ſuch churchwardens and overſeers of the poor reſpectively ſhall forthwith give notice to all the commiſſioners nominated, of their being ſo appointed; and ſhall within two days after every nomination of commiſſioners, cauſe a copy of ſuch liſts to be wrote in one complete liſt, taking the ſeveral pariſhes, *&c.* in order as they ſtand in this act, and ſhall ſtick up the ſame in ſome part of the court-houſe to be provided by the commiſſioners at ſome general meeting; which perſons ſo nominated by the ſaid ſeveral pariſhes, *&c.* reſpectively are hereby conſtituted commiſſioners to hear and determine all ſuch matters of debt as are herein after mentioned, and are conſtituted a court of juſtice by the name of *The court of requeſts for the* Tower Hamlets; and the ſaid commiſſioners or three of them, are to hold the ſaid court twice in every week, *viz.* on every *Tueſday* and *Friday*, or oftener if need be, in a court-houſe to be provided for that purpoſe in the pariſh of *St. Mary*, *Whitechapel*, or in ſome other convenient place adjoining. And the commiſſioners ſhall have power to give judgment, and award execution with coſts againſt the bodies or goods of all perſons againſt whom they give judgment, ſo as no perſon remain in cuſtody upon execution longer than 40 days.

XLII. *Sect.* 2. If any plaintiff or defendant (after being ſummoned to appear in the ſaid court, by one of the beadles herein after mentioned) ſhall, without juſt cauſe to be allowed by the commiſſioners in court, refuſe to appear, or ſhall not perform ſuch order

order as the ſaid commiſſioners make concerning ſuch debts as aforeſaid, it ſhall be lawful for the commiſſioners or three of them, to commit ſuch perſon to the common gaol or houſe of correction for the county of *Middleſex*, or to the gaol for the liberty of the *Tower* of *London*, if ſuch perſon reſide in the ſaid liberty, until he perform the order of the commiſſioners, ſo as no perſon remain in cuſtody longer than 40 days.

XLIII. *Sect.* 3. The ſaid beadles or one of them, ſhall yearly ſummon the firſt five perſons out of the firſt 60 named in the ſaid complete liſt, the firſt five perſons out of the ſecond 60, the firſt five perſons out of the third 60, the firſt five perſons out of the fourth 60, (making in all 20 perſons) to attend as commiſſioners for one calendar month, to commence the firſt day of *May* in each year; and ſo the like number of five perſons next ſtanding in each of the ſaid 60 names, as they ſtand in order upon the ſaid complete liſt, to ſerve as commiſſioners from month to month.

XLIV. *Sect.* 4. Nothing herein ſhall exclude any of the commiſſioners being duly qualified from ſitting in the ſaid court, although they be not in rotation; but all ſuch commiſſioners may, as often as they think fit, ſit and give judgment therein.

XLV. *Sect.* 5. It ſhall be lawful for any perſons who have any debts owing to them, not amounting to 40 *s.* by any perſon inhabiting or keeping any ſhop, ſtall or ſtand, or ſeeking a livelihood within the diſtrict before deſcribed, to cauſe ſuch debtor to be ſummoned by one of the ſaid beadles, who is to execute all proceſs of the ſaid court by perſonal ſervice, or by writing left at the place of abode, ſhop, or place of dealing of ſuch debtor, to appear before the commiſſioners in the court-houſe; and the commiſſioners ſhall after ſuch ſummons have power to make ſuch orders and proceedings between ſuch parties plaintiffs and their debtors defendants, touching ſuch debts as they find to ſtand with equity and good conſcience; and all ſuch proceedings ſhall be entered in a book by the clerks of the court or one of them, and ſhall be performed as well by the plaintiff as the debtor.

XLVI. *Sect.* 6. It ſhall be lawful for the commiſſioners to adminiſter an oath to the plaintiff or defendant, and to witneſſes produced by each party, and to the officers of the court concerning any buſineſs relative thereunto, if they think meet.

XLVII. *Sect.* 7. If any action of debt, or on the caſe upon an *aſſumpſit* be ſued againſt any perſon aforeſaid, in any court at *Weſtminſter* or elſewhere, out of the ſaid court of requeſts, and it appear to the judge that the debt to be recovered by the plaintiff doth not amount to 40 *s.* and the defendant prove, that at the time of commencing ſuch action ſuch defendant was inhabiting within the diſtrict before deſcribed, and was liable to be ſummoned before the ſaid court of requeſts for ſuch debt, then the judge ſhall not allow to the plaintiff any coſts, but ſhall award that the plaintiff ſhall pay ſo much ordinary coſts to the defendant, as ſuch defendant ſhall prove it hath coſt him in defence of the ſaid ſuit.

XLVIII. *Sect.* 8. Where the plaintiff ſhall upon any action in any of the King's courts at *Weſtminſter*, or in any of the courts of great ſeſſion of *Wales* or counties palatine, obtain a verdict for leſs than 40 *s.* if the judge who tries the cauſe, certify that there was a probable cauſe of action for 40 *s.* or more, the plaintiff ſhall not be liable to pay coſts, but ſhall recover his coſts.

XLIX. *Sect.* 9. If any perſon contemptuouſly affront, inſult or abuſe any of the commiſſioners during their ſitting in court, it ſhall be lawful for one of the ſaid beadles by order of the commiſſioners then ſitting, being three or more, to take ſuch perſon into cuſtody, and carry him before a juſtice of peace for *Middleſex*; if the offence be committed within the ſaid county; or before a juſtice of peace for the liberty of his Majeſty's *Tower* of *London*, if the offence be committed within that liberty; and upon the fact alledged being proved upon the oath of one witneſs, the juſtice ſhall puniſh ſuch perſon by fine not exceeding 20 *s.* which ſhall be immediately paid into the hands of the juſtice; and if ſuch offender pay not the fine, the ſaid juſtice may by warrant commit him to the common gaol or houſe of correction for the county of *Middleſex*, or to the gaol for the ſaid liberty for any time not exceeding one calendar month, or until he pay the fine; and ſuch fine when received by the juſtice, ſhall be paid over to the churchwardens or overſeers of the poor of the

pariſh, &c. where ſuch offence is committed, or where the party reſides, towards the relief of the poor.

L. *Sect.* 10. One of the clerks of the ſaid court ſhall cauſe to be fixed up in the moſt public part of the court-houſe, a copy of the preceding clauſe of this act.

LI. *Sect.* 11. In caſe any perſon make oath or give evidence, in any cauſe in the ſaid court, whereby he ſhall commit any wilful or corrupt perjury, and be convicted, he ſhall incur the like pains and penalties as any other perſon convicted of wilful perjury.

LII. *Sect.* 12. The commiſſioners ſhall meet at the ſaid court-houſe, or ſome convenient place in the *Tower Hamlets* on *Tueſday* the firſt of *May* 1750. or within one month after in the forenoon, and ſhall by ballot chooſe clerks not exceeding four nor leſs than two; and beadles of the ſame court not exceeding four; who ſhall continue clerks and beadles, during ſo long time as they ſhall behave themſelves well.

LIII. *Sect.* 13. No commiſſioner ſhall be capable of holding the office of clerk, or any other place of profit belonging to the ſaid court.

LIV. *Sect.* 14. The commiſſioners in court or the major part of them preſent, on the next court day after the death or reſignation of any of the ſaid clerks or beadles, or ſo ſoon after as the ſame is publicly known, are to cauſe the whole number of commiſſioners to be ſummoned, (by giving them four days notice at leaſt) to meet at the place aforeſaid, within 20 days after their being ſummoned; and ſuch commiſſioners at ſuch meeting are by ballot to chooſe another clerk or beadle; and ſo upon every ſuch vacancy of the office of clerk or beadle.

LV. *Sect.* 15. No perſon ſhall be capable of acting as a commiſſioner in the execution of the powers given by this act, until he have taken an oath to the effect following;

I *A. B. do ſwear, that I will faithfully, impartially and honeſtly, according to the beſt of my judgment, hear and determine ſuch matters and things as ſhall be brought before me, by virtue of an act of parliament,* (*intituled,* An act for the more eaſy and ſpeedy recovery of ſmall debts within the *Tower Hamlets*) *without favour or affection to either party; and that I am now ſeiſed of lands, tenements or hereditaments, of the value of* 20 l. per annum, *clear of all incumbrances,* or *that I am poſſeſſed of a perſonal eſtate of the value of* 500 l. *clear of all incumbrances whatſoever.*

Which oath three of the commiſſioners are to cauſe to be adminiſtered; and a memorial thereof ſhall be entered in the regiſter of the court.

LVI. *Sect.* 16. The fees hereafter limited and no more, ſhall be taken for the ſervices of the clerks and beadles; *viz.*

For every ſummons, to the clerks 3 *d.* to the beadles 2 *d.*
For every hearing, to the clerks 3 *d.*
For calling the defendant before the court when he or ſhe refuſe to appear, to the clerks 2 *d.* to the beadles 1 *d.*
For an attachment againſt the defendant for not appearing to the ſummons, to the clerks 6 *d.* to the beadles 1 *s.*
For an execution, to the clerks 8 *d.* to the beadles 1 *s.*
For paying money into court, to the clerks 6 *d.*
For acknowledging ſatisfaction in full, to the clerks 4 *d.*
For acknowledging ſatisfaction in part, to the clerks 2 *d.*
For ſearching the books, to the clerks 2 *d.*
For a nonſuit on the plaintiff's not appearing, to the clerks 2 *d.*

LVII. *Sect.* 17. A yearly account ſhall be given upon oath by the clerks and beadles, before the commiſſioners ſitting in court or three of them, of the amount of the fees by them ſeverally received; and if the fees in any one year exceed 200 *l.* to each clerk clear of all charges; and 60 *l.* to each beadle clear of all charges, it ſhall be lawful for the commiſſioners at a general meeting, to order the ſurplus to be divided between the clerks and beadles in proportion to their reſpective ſums of 200 *l.* and 60 *l. per annum*, and to order for the future that the fees be reduced, ſo as to bring

in as near as may be 200 *l.* a year to each of the clerks, and 60 *l.* a year to each of the beadles; and if after ſuch reduction the buſineſs of the court decline, ſo as not to produce 200 *l.* a year to each clerk, and 60 *l.* a year to each beadle, it ſhall be lawful for the commiſſioners at a general meeting to reduce the number of clerks, or increaſe the fees ſo as they do not exceed the preſent ſettled fees.

LVIII. *Sect.* 18. A table of the aforeſaid fees ſhall be hung up by one of the clerks in ſome public part of the court houſe; and if any of the clerks or beadles take any greater or other fees than as above mentioned, or otherwiſe miſbehave, he for every ſuch offence ſhall forfeit ſuch fine not exceeding 20 *l.* as the commiſſioners or three of them ſhall aſſeſs, to be applied to the uſe of the ſick in the *London* infirmary.

LIX. *Sect.* 19. Upon complaint of the miſbehaviour of any of the clerks or beadles, or of their taking any greater or other fees than as above-mentioned, if it appear to the commiſſioners or the major part preſent, that ſuch complaint deſerves a greater puniſhment; ſuch commiſſioners are to cauſe the whole number of commiſſioners to be ſummoned, by public notice in writing to be given to all the commiſſioners, at leaſt four days before ſuch meeting; and the commiſſioners ſo ſummoned being not leſs than 60, ſhall examine into the complaint; and if it appear that ſuch clerks or beadles have been guilty of miſbehaviour, or in taking any greater or other fees than above mentioned, it ſhall be lawful for the commiſſioners or the major part of them, to ſuſpend or remove ſuch clerks and beadles from their office, and to call another general meeting of the whole commiſſioners, by giving two days notice in writing, and within eight days after the removal of ſuch clerks or beadles, at which meeting the commiſſioners ſhall chooſe by ballot a clerk or beadle in the room of him ſo removed.

LX. *Sect.* 20. This act ſhall not extend to any debt for any rent upon any leaſe of lands or tenements, or any other real contract, nor to any other debt that ſhall ariſe by reaſon of any cauſe concerning teſtament or matrimony, or any thing properly belonging to the eccleſiaſtical court, albeit the ſame be under 40 *s.*

LXI. *Sect.* 21. No action for any debt not amounting to 40 *s.* and recoverable by virtue of this act in the ſaid court of requeſts, ſhall be brought againſt any perſon reſiding within the juriſdiction thereof, in any other court.

LXII. *Sect.* 22. The clerks of the ſaid court ſhall, out of the fees limited to them, pay unto *John Lawſon*, *Lomax Martyn*, *George Weller* and *John Le Groſs Spelman*, Eſquires, the preſent council of the *Marſhalſea* and the court of his Majeſty's palace at *Weſtminſter*, as a compenſation for the loſs they will ſuſtain in their ſaid offices by this act, during their reſpective lives, the yearly ſum of 30 *l.* a-piece, at the four uſual teaſts. *See* 23 Geo. 2. cap. 27. ſect. 22. *ſupra.*

LXIII. *Sect.* 23. Nothing in this act ſhall extend to reſtrain the ancient court of record within the liberty of the *Tower* of *London*, from holding plea of any perſonal action, the cauſe of which ſhall ariſe within *The precinct of the Tower within*, or from holding plea of any perſonal action (other than actions for debts not amounting to 40 *s.* the cauſe of which ſhall ariſe in any part of the liberty of the ſaid *Tower*, out of the precinct of the *Tower within*) or to take away any juriſdiction or exemption, which the chief governor of the ſaid *Tower* or his deputy, or any officers or inhabitants within the ſaid liberty ought to enjoy.

LXIV. *Sect.* 24. If any action be brought for any thing done in purſuance of this act, ſuch action ſhall be brought within three calendar months after the fact; and the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts.

LXV. *Sect.* 25. This act ſhall be deemed a public act.

LXVI. Stat. 23 *Geo.* 2. *cap.* 33. *ſect.* 1. It ſhall be lawful for the ſuitors of the county court of *Middleſex*, together with the county clerk in county court aſſembled, or the major of them, upon any plaint entered in the ſaid county court where the debt or damages ſhall not amount to 40 *s.* to proceed in a ſummary way, and to make ſuch orders or decrees as ſhall ſeem agreeable to equity and good conſcience; and it ſhall be lawful for the ſaid ſuitors and county clerk in the county court, to examine the plaintiff or defendant and their witneſſes, *viva voce* upon oath.

LXVII. *Sect.*

LXVII. *Sect.* 2. It ſhall be lawful for the ſheriff of *Middleſex*, by his county clerk, to hold his county court, for the proceeding in purſuance of this act, on *Thurſday* in every week, at ſome place within the hundred of *Oſſulſton* in the county of *Middleſex*, and on the firſt *Tueſday* in every month at ſome place within the hundreds of *Iſleworth* or *Elthorne*, and on the laſt *Tueſday* in every month at ſome place within the hundred of *Edmonton*; provided the monthly court of the ſaid ſheriff be held as has been accuſtomed.

LXVIII. *Sect.* 3. Such perſons only ſhall be deemed ſuitors of the ſaid county court to be held under this act, as are qualified to ſerve on juries on trials at *niſi prius* in the King's bench, common pleas and exchequer at *Weſtminſter*.

LXIX. *Sect.* 4. No plaint entered in the ſaid county court, nor any order or other proceedings thereupon by virtue of this act, ſhall be removed out of the ſaid court by any writ of *recordari facias loquelam*, *certiorari*, or falſe judgment, or otherwiſe; but ſuch order made by the ſaid ſuitors and county clerk ſhall be final; provided all plaints and replevin be proceeded in, and removeable in the ſame manner as if this act had not been made. And no perſon ſhall be liable to be ſummoned to the ſaid county court at the ſuit of any plaintiff, other than ſuch perſon as was liable to be ſummoned to the county court of *Middleſex* before this act, and this act ſhall not extend to give the ſaid county court any juriſdiction to hold plea of any action, other than ſuch as the county court of *Middleſex* might have held plea of by plaint before this act.

LXX. *Sect.* 5. After any plaint entered as aforeſaid, and the defendant being ſummoned, and either the plaintiff or the defendant neglect to perform ſuch order as the ſaid ſuitors and county clerk ſhall make and ſet down in writing, it ſhall be lawful for the county clerk by warrant in writing under his ſeal, to commit ſuch plaintiff or defendant to the county gaol or any other common gaol within the ſaid county, for three calendar months or any ſhorter time, at the diſcretion of the ſaid ſuitors and county clerk; provided that if the perſon ſo committed before the expiration of the time for which he is committed perform ſuch order, he ſhall forthwith be diſcharged.

LXXI. *Sect.* 6. Where the ſaid ſuitors and county clerk make any order for payment of money, it ſhall be lawful for the ſaid county clerk, at the prayer of the party proſecuting ſuch order, to iſſue a precept under his ſeal in the nature of a *fieri facias*, directed to one of the bailiffs attending the court; who is to levy the ſum mentioned in ſuch precept, as any ſheriff may levy money by any *fieri facias* out of any court at *Weſtminſter*.

LXXII. *Sect.* 7. The under ſheriff of *Middleſex* ſhall ſix days before the end of every month, deliver to the county clerk of the ſaid county three liſts, each containing the names and places of abode of 12 perſons, taken from the freeholders book of the county of *Middleſex*, as ſuitors to attend the ſaid county court for the ſucceeding month for the ſeveral diviſions hereafter named; *viz.* one liſt for the hundred of *Oſſulſton*, one for the hundred of *Iſleworth* and *Elthorne*, and one for the hundred of *Edmonton*; and the county clerk ſhall cauſe the perſons in the ſaid liſts named, to be ſummoned to attend the ſaid court at the time and place mentioned in the ſummons; for each of which liſts the county clerk ſhall pay the ſaid under ſheriff 4*d.* and no other ſuitor, except the perſons ſo ſummoned, ſhall have any voice in the county court held under this act; and no perſon ſhall be liable to be put upon ſuch liſt, oftener than once in every year.

LXXIII. *Sect.* 8. If any ſuitor ſo qualified after having been duly ſummoned neglect to attend, and there be not a ſufficient number to proceed in the buſineſs of the court, it ſhall be lawful for the county clerk to amerce ſuch ſuitor as ſhall not attend in any ſum not exceeding 20*s.* to the uſe of the poor of the pariſh where the court ſhall ſit, to be recovered by any one of the overſeers of the poor by plaint in the county court.

LXXIV. *Sect.* 9. No perſon reſiding within the hundreds of *Goare*, *Elthorne*, *Spelthorne* or *Iſleworth*, ſhall be liable to attend the ſaid county court either as a ſuitor or defendant, in any other place than within the hundreds of *Iſlewerth* or *Elthorne*; and no perſon reſiding within the hundred of *Edmonton* ſhall be liable to attend the ſaid court in any other place than within the hundred of *Edmonton*.

LXXV. *Sect.*

LXXV. *Sect.* 10. Every ſuitor attending the court, before he enters on the hearing any matter in controverſy, ſhall take the following oath, to be adminiſtered by the county clerk or his deputy, *viz.*

I *Swear, that I will impartially and truly hear and determine the ſeveral matters in controverſy which ſhall be brought before me, as a ſuitor of this court, according to the evidence, and the beſt of my ſkill and judgment.*

So help me God.

LXXVI. *Sect.* 11. If any perſon ſhall be guilty of any contempt or diſturbance of the ſaid court, ſitting the court, it ſhall be lawful for the ſuitors and county clerk to order ſuch perſon to be taken into the cuſtody of any officer attending the court, which officer is to detain ſuch perſon during the ſitting of the court, and the ſuitors and county clerk may amerce ſuch perſon in any ſum not exceeding 40 *s.* to the uſe of the poor of the pariſh where the court ſhall ſit, to be recovered by any of the overſeers of the poor by plaint in the county court.

LXXVII. *Sect.* 12. The county clerk and the other officers of the court, ſhall take the fees under-written, and no other or greater fees, *viz.*

The county clerk for entering the plaint 4 *d.*
For every warrant 4 *d.*
For every ſummons 4 *d.*
For every order 8 *d.*
For entering every order 4 *d.*
For hearing 6 *d.*
For execution 4 *d.*
For entering the appearance of the defendant or defendants 6 *d.*
The crier for every call 1 *d.*
The officer for ſummoning 4 *d.*
The officer for execution on the goods 2 *s.*
On the perſon 3 *s.*

A table of which fees ſhall be hung up in every place where the county court ſhall be held.

LXXVIII. *Sect.* 13. *William Whitaker* of the *Middle Temple, London*, Eſquire, the preſent county clerk ſhall continue county clerk ſo long as he ſhall behave himſelf well in the ſaid office; and after the reſignation, removal or death of the ſaid *William Whitaker*, and ſo often as the ſaid office ſhall become vacant, the ſheriff of *Middleſex* ſhall appoint the county clerk, who at the time of ſuch appointment ſhall be a barriſter of three years ſtanding, and be approved by the lord chancellor, the lord chief juſtice of the king's bench, and the lord chief juſtice of the common pleas, or two of them, which perſon ſhall continue county clerk ſo long as he ſhall behave himſelf well.

LXXIX. *Sect.* 14. The ſaid *William Whitaker* ſhall, within one month after the 24th of *June* 1750. and every ſucceeding county clerk, within one month after his appointment and approbation, take the following oath in the county court; *viz.*

I A. B. *do ſwear, that I will well and truly execute the office of county clerk of the county of* Middleſex, *according to the beſt of my ſkill and knowledge, and that I will not deny or delay juſtice, and will not by myſelf or knowingly by any deputies, clerks or ſervants under me, or by any other perſon or perſons receive or take, or cauſe or permit or ſuffer to be received or taken, any greater or other fees in my ſaid office of county clerk, than ſuch as are directed to be taken in and by an act made in the 23d year of the reign of his Majeſty King* George *the Second, intituled,* An act for preventing delays and expences in the proceedings in the county court of *Middleſex*, and for the more eaſy and ſpeedy recovery of ſmall debts within the ſaid county court.

So help me God.

Which oath ſhall be adminiſtered by any two ſuitors preſent, and ſhall be entered in the county court book, and ſigned by the county clerk, and atteſted by the ſuitors preſent.

LXXX. *Sect.* 15. It ſhall be lawful for the county clerk to appoint his deputy, who in the abſence of the county clerk ſhall have the ſame authority as if himſelf was preſent, provided ſuch deputy be a barriſter of three years ſtanding, and nominated by the county clerk in open court, three weeks at leaſt before his appointment, and the majority of the ſuitors preſent aſſent thereto; and the deputy ſhall at every court before he proceeds to the hearing any matter in controverſy, take the oath before directed to be taken by the ſuitors, except the words, *As a ſuitor of this court*; which oath ſhall be adminiſtered by any two ſuitors preſent.

LXXXI. *Sect.* 16. If the county clerk ſhall not behave himſelf well in his office, it ſhall be lawful for any 24 or more freeholders of the ſaid county, to apply by petition to the lord chancellor, complaining of the miſbehaviour of the county clerk, and upon ſuch petition it ſhall be lawful for the lord chancellor, the lord chief juſtice of the king's bench, and the lord chief juſtice of the common pleas or two of them, to meet and hear the ſaid complaint in a ſummary way; and in caſe the county clerk be found upon proof to have been guilty of miſbehaviour, it ſhall be lawful for the lord chancellor and the ſaid chief juſtices or two of them, to amove the county clerk from his office.

LXXXII. *Sect.* 17. If any perſon make oath or give evidence in any cauſe in the ſaid county court, whereby he ſhall commit wilful and corrupt perjury and be convicted, he ſhall incur the like pains and penalties as any other perſon convicted of wilful and corrupt perjury.

LXXXIII. *Sect.* 18. In caſe any action be brought againſt any member, officer or miniſter of the ſaid county court, or againſt any other perſon for acting in purſuance of this act, it ſhall be lawful for ſuch perſon to plead the general iſſue; and the warrant or precept under the ſeal of the ſaid county clerk, being proved, ſhall be ſufficient proof of the authority of the ſaid county court, and of all other proceedings in the ſaid court, previous to the iſſuing of ſuch warrant or precept; and in caſe the plaintiff have a verdict paſs againſt him, be nonſuit, or diſcontinue his action, the defendant ſhall be allowed double coſts.

LXXXIV. *Sect.* 19. In caſe any action of debt, or upon *aſſumpſit*, be proſecuted in any court of record at *Weſtminſter*, and the defendant at the time of ſuch action brought live in the county of *Middleſex*, and be liable to be ſummoned to the ſaid county court, and the jury upon the trial find the damages under 40*s.* unleſs the judge in court certify on the back of the record, that the freehold or title to the plaintiff's land principally came in queſtion, or that an act of bankruptcy principally came in queſtion, no coſts ſhall be awarded to the plaintiff, but the defendant ſhall recover double coſts.

LXXXV. *Sect.* 20. Nothing in this act ſhall extend to his Majeſty's *Tower* of *London*, or the *Tower Hamlets*.

LXXXVI. *Sect.* 21. Nothing in this act ſhall extend to the city and liberty of *Weſtminſter* and the precincts of the ſame, and ſo much of the pariſhes of *St. Clement Danes*, and *St. Mary le Strand*, in the county of *Middleſex*, as lies without the city and liberty of *Weſtminſter*, and alſo in the precincts of the *Savoy* adjoining thereto.

LXXXVII. *Sect.* 22. This act ſhall be deemed a public act.

LXXXVIII. **Stat.** 24 *Geo.* 2. *cap.* 42. *ſect.* 1. All perſons admitted as attornies or ſolicitors, ſhall be ſubject to all the proceſſes of the court of requeſts for the city and liberty of *Weſtminſter* and that part of the duchy of *Lancaſter* which adjoineth thereto. *Erected by* 23 Geo. 2. cap. 27. Par. XXII.

LXXXIX. *Sect.* 2. So much of the ſaid act as relates to the dividing the ſaid city and liberty of *Weſtminſter*, and that part of the duchy of *Lancaſter* which adjoineth thereto, into three diſtricts, ſhall be repealed.

XC. *Sect.* 3. The commiſſioners nominated by virtue of the ſaid act, are to hold the ſaid court in two diviſions only; *viz.* The pariſhes of *St. Margaret*, *St. John the Evangeliſt*, *St. Martin in the Fields*, *St. Paul Covent Garden*, *St. Clement Danes*, *St. Mary le Strand*, and that part of the duchy of *Lancaſter* which adjoineth to the liberty of *Weſtminſter*,

to be one of the diviſions; and the pariſhes of *St. George Hanover-Square*, *St. James* and *St. Anne*, to be the other diviſion; *viz.* the commiſſioners for the pariſhes of *St. Margaret*, *St. John the Evangeliſt*, *St. Martin in the Fields*, *St. Paul Covent Garden*, *St. Clement Danes*, *St. Mary le Strand*, and that part of the duchy of *Lancaſter* which adjoineth to the liberty of *Weſtminſter*, on every *Thurſday* or oftener if neceſſary, in ſome part of the ſaid diviſion; and the commiſſioners for the pariſhes of *St. George Hanover Square*, *St. James* and *St. Anne*, on every *Tueſday* or oftener if neceſſary, in ſome part of the ſaid diviſion.

XCI. *Sect.* 4. Inſtead of the fees limited by the former act, the fees hereafter limited, ſhall be taken for the reſpective ſervices of the high bailiff of *Weſtminſter* and the clerks of the ſaid court; *viz.*

For iſſuing every ſummons, to the clerks 4 *d.*
For the ſervice of ſuch ſummons, to the high bailiff 4 *d.*
For every hearing, to the clerks 6 *d.* to the high bailiff 3 *d.*
For an execution, to the clerks 1 *s.* to the high bailiff 1 *s.* 6 *d.*
For paying money into court, to the clerks 7 *d.*
For acknowledging ſatisfaction in full, to the clerks 6 *d.*
For every ſearch, to the clerks 2 *d.*
For calling the defendant before the court, to the clerks 2 *d.* to the high bailiff 2 *d.*
For every order upon hearing and the entry thereof, to the clerks 4 *d.*
For the ſervice of every ſuch order, to the high bailiff 2 *d.*
For a nonſuit on the plaintiff's not appearing, to the clerks 4 *d.*

A table of which fees ſhall be hung up by one of the clerks in the two court houſes where the commiſſioners meet.

XCII. *Sect.* 5. Upon the death reſignation or removal of any one of the four clerks, the remaining three clerks ſhall continue to act; and upon the death reſignation or removal of any one of the ſaid three clerks, the remaining two ſhall act; nor ſhall the commiſſioners chooſe another clerk in the ſtead of any one ſo dying, reſigning or being removed, until the number of the clerks be reduced to one; at which time the commiſſioners ſhall elect another clerk, to be joined with the remaining clerk, according to the directions in the former act, ſo as ſuch number of clerks ſhall not at any time exceed two.

XCIII. *Sect.* 6. No clerk of the ſaid court ſhall act as a juſtice of peace in any matter relative to the proceedings of the ſaid court, or the juriſdiction of the ſame: but nothing in this or the former act ſhall exclude any clerk of the court from acting as a juſtice of peace, in any matter not relative to the buſineſs or juriſdiction of the ſaid court.

XCIV. *Sect.* 7. All perſons reſiding within the city and liberty of *Weſtminſter*, or that part of the duchy of *Lancaſter* adjoining thereto, ſhall be ſubject to the proceſs and juriſdiction of the ſaid court, although the plaintiff ſuing out ſuch proceſs ſhall not inhabit within the ſaid city and liberty of *Weſtminſter* and that part of the duchy of *Lancaſter* which adjoineth thereto.

XCV. Stat. 27 *Geo.* 2. *cap.* 16. *ſect.* 2. All the acts of parliament for erecting courts of requeſts, or conſcience, for the recovery of ſmall debts in cities, towns corporate, and other places in this kingdom, ſhall be deemed public acts, and ſhall be judicially taken notice of as ſuch by all judges, juſtices, and other perſons without ſpecially pleading the ſame.

There were before this ſtatute, (beſides the four courts of conſcience erected by the foregoing ſtatutes in Southwark, Weſtminſter, *the* Tower Hamlets, *and* Middleſex) *ſeveral other courts of conſcience erected in other towns*; viz. *In* Lincoln *by* 24 Geo. 2. cap. 16. *In* Birmingham *by* 25 Geo. 2. cap. 34. *In* St. Alban's *by* 25 Geo. 2. cap. 38. *In* Liverpool *by* 25 Geo. 2. cap. 43. *In* Canterbury *by* 25 Geo. 2. cap. 45. *In* Boſton *by* 26 Geo. 2. cap. 7. *And ſince this ſtatute in the hundred of* Brixton *in* Surry *by* 31 Geo. 2. cap. 23. *and in* Yarmouth *by* 31 Geo. 2. cap. 24. *and in* Hull *by* 2 Geo. 3. cap. 38. *Theſe acts being entirely*

tirely local, and not of ſo general concern, as thoſe for erecting the courts of conſcience in the neighbourhood of London, *are not inſerted in this abridgment. See the acts for regulating the court of conſcience in the city of* London, *under* LONDON.

XCVI. **Stat.** 32 *Geo.* 2. *cap.* 6. *ſect.* 1. All perſons inhabiting within the limits of the juriſdiction of the court of requeſts, conſtituted by 22 *Geo.* 2. *cap.* 47. Par. III. ſhall be ſubject to the juriſdiction of the ſaid court, for debts owing to any perſons not exceeding 40 *s.* although the plaintiffs ſhall not reſide within the borough of *Southwark*, or any of the pariſhes mentioned in the ſaid act.

XCVII. *Sect.* 2. The ſaid act ſhall extend and be executed with reſpect to the pariſhes of *Streatham*, *Clapham* and *Camberwell*, and the manor of *Hatcham* in the pariſh of *St. Paul Debtford* in the county of *Surry*, being the remaining part of the eaſtern half of the hundred of *Brixton*, which is not included in the ſaid act, and to all the inhabitants and perſons renting or keeping any ſhop or ſtand, or ſeeking a livelihood within the ſaid pariſhes and manor, and to all other perſons, in the ſame manner as if the ſaid pariſhes and manor were part of the borough of *Southwark*.

XCVIII. *Sect.* 3. Such of the pariſhioners of the reſpective pariſhes of *Streatham*, *Clapham* and *Camberwell*, and of ſuch part of the pariſh of *St. Paul Deptford* as lies within the manor of *Hatcham*, as have a right to aſſemble in veſtries, are required on *Tueſday* next after the feaſt of *Eaſter* in the year 1759. and on every *Tueſday* next after the feaſt of *Eaſter*, to nominate in the whole 20 ſubſtantial perſons reſiding within the pariſhes of *Streatham*, *Clapham* and *Camberwell*, and ſuch part of the pariſh of *St. Paul Deptford*, who together with the perſons nominated in manner directed by the ſaid act, are to be commiſſioners for putting the ſaid act and this act in execution; which perſons ſhall be nominated in the manner following; *viz.* ſuch pariſhioners of the pariſh of *Streatham* to nominate ſix; of *Clapham* ſix; of *Camberwell* ſix; and ſuch part of the pariſh of *St. Paul Deptford* as lies within the manor of *Hatcham* two; and the churchwardens of each pariſh or one of ſuch churchwardens, ſhall within two days next after every ſuch nomination cauſe two liſts to be made of the perſons ſo nominated; and one of the ſaid liſts or a copy thereof to be fixed on the church door of each reſpective pariſh; and ſhall deliver the other to the chief bailiff of *Southwark* or his deputy; who ſhall forthwith cauſe a copy of ſuch liſts to be ſtuck up in ſome convenient part of the town hall of *Southwark*; and the perſons ſo nominated, ſhall together with the perſons appointed by virtue of the former act, be commiſſioners for putting the ſaid act and this act in execution; and the commiſſioners ſo nominated or three of them, are authorized to put the ſaid act and this act in execution; except only as to the ſuſpenſion removal or election of any clerk of the ſaid court, which may be made by the major part of the commiſſioners aſſembled at a court to be ſummoned in manner preſcribed by the ſaid act.

XCIX. *Sect.* 4. The ſaid chief bailiff or his deputy ſhall within two days next after ſuch liſts returned to him, ſummon the two firſt perſons in the liſt for the pariſh of *Streatham*, the two firſt for the pariſh of *Clapham*, the two firſt for the pariſh of *Camberwell*, and the firſt perſon named for ſuch part of the pariſh of *St. Paul Deptford* as aforeſaid, to attend as commiſſioners for one month; and the like number out of every liſt, as they ſtand in order to ſerve as commiſſioners, from month to month.

C. *Sect.* 5. If any ſuit be brought for any thing done in purſuance of this act, ſuch ſuit ſhall be brought within three calendar months after the fact; and the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts.

CI. *Sect.* 6. This act ſhall be deemed a public act.

CII. **Stat.** 1 *Geo.* 3. *cap.* 17. *ſect.* 1. Every gaoler ſhall make a liſt alphabetically of the names of all perſons, who upon the 25th of *October* 1760. were or ſince have been, and at the time of making ſuch liſt ſhall be, priſoners in cuſtody for any debt, damage, coſts or ſums of money, contempt or otherwiſe, and an account of the time when ſuch priſoners were reſpectively charged in cuſtody, or received in priſon, with the names of the perſons at whoſe ſuit they are detained; and ſhall deliver the ſame to the juſtices of peace at their firſt or ſecond general ſeſſion of the peace afte the 31ſt day of *March* 1761. or at ſome adjournment thereof.

CIII. *Sect.*

CIII. *Sect.* 2. The warden of the *Fleet* and marſhal of the *King's Bench* priſon, ſhall on the delivering ſuch liſt of priſoners in their reſpective cuſtody, take an oath to the effect following; *viz.*

I A. B. *upon my corporal oath, in the preſence of Almighty God, do ſolemnly ſwear, profeſs and declare, that all and every perſon and perſons, whoſe name or names is or are inſerted and contained in the firſt part of the liſt by me now delivered in and ſubſcribed, was and were to the beſt of my knowledge and belief, upon the* 25th *day of* October 1760. *really and truly priſoners in actual cuſtody, in the priſon or gaol of* [inſert the name of the priſon] *at the ſuit or ſuits of the ſeveral perſon or perſons therein reſpectively mentioned; and alſo that all and every perſon and perſons, whoſe name or names is or are inſerted or contained in the ſecond part of the ſaid liſt now by me delivered in and ſubſcribed as aforeſaid, have ſince the ſaid* 25th *day of* October 1760. *been committed or ſurrendered to the ſaid gaol or priſon of* [inſert the name of the gaol or priſon] *at the ſuit or ſuits of the ſeveral perſon or perſons therein reſpectively mentioned; except ſuch perſon or perſons who is or are in ſuch liſt particularly mentioned and deſcribed to have died, been diſcharged or removed to ſome other priſon, by proceſs of law, ſince the ſaid* 25th *day of* October 1760. *and alſo except ſuch perſon or perſons who is or are in ſuch liſt particularly mentioned and deſcribed to have been permitted to have gone out of the ſaid priſon, by day rules of the court of* [*common pleas* or *king's bench*, as the caſe ſhall be] *ſince the ſaid* 25th *day of* October 1760. *to tranſact their affairs; and alſo except ſuch perſon or perſons who is or are therein alſo particularly mentioned and deſcribed to have, upon the ſaid* 25th *day of* October 1760. *or ſince, been in the rules of the ſaid priſon* [of the *Fleet* or *King's Bench*, as the caſe ſhall be] *by leave of the* [warden or marſhal of the ſaid priſon, as the caſe ſhall be] *and have to the beſt of my knowledge and belief, really and truly ever ſince continued and remained in actual cuſtody in the ſaid priſon* [of the *Fleet* or *King's Bench*, as the caſe ſhall be] *or the liberties thereof, at the ſuit or ſuits of the ſeveral perſons in the ſaid liſt reſpectively mentioned* [and if any priſoners have ſince the 25th of *October* 1760. eſcaped out of either of the ſaid priſons, then inſert, *except* [inſert the names of the priſoners who have eſcaped] *who without my knowledge, privity or conſent, hath or have eſcaped out of the ſaid priſon of*
and that the ſaid liſt is a true, exact, perfect and juſt liſt of all ſuch perſons who were really and truly priſoners in actual cuſtody in the ſaid gaol or priſon of
on the ſaid 25th *of* October 1760. *and who ſince the ſaid* 25th *day of* October 1760. *have been committed to, and really have been, and now is or are priſoner or priſoners in actual cuſtody in the ſaid gaol or priſon of or the liberties thereof; and that none of ſuch priſoners to my knowledge, or with my privity, have voluntarily or with deſign, or in expectation to take any benefit from or under any act of parliament to be made for the relief of inſolvent debtors, ſurrendered themſelves, or been committed to the ſaid priſon, or got their names entered as priſoners in the books of the ſaid priſon; or ſince the ſame* 25th *day of* October 1760. *to my knowledge or with my privity, have reſided out of the ſaid priſon of or the rules thereof* [but if any have ſo done, add, *except* naming ſuch by name.]

And every other gaoler ſhall on the delivering ſuch liſt take an oath to the effect following; *viz.*

I A. B. *upon my corporal oath, in the preſence of Almighty God, do ſolemnly ſwear, profeſs and declare, that all and every perſon and perſons whoſe name or names are inſerted and contained in the firſt part of the liſt by me now delivered in and ſubſcribed, was and were to the beſt of my knowledge and belief, upon the* 25th *day of* October 1760. *really and truly priſoners in actual cuſtody in the priſon or gaol of at the ſuit or ſuits of the ſeveral perſons therein reſpectively mentioned; and alſo that all and every perſon and perſons whoſe name or names is or are inſerted or contained in the ſecond part of the ſaid liſt now by me delivered in and ſubſcribed as aforeſaid, have ſince the ſaid* 25th *day of* October 1760. *been committed or ſurrendered to the ſaid gaol or priſon of* [if any priſoners have ſince the 25th of October 1760. been committed

mitted to ſuch gaol] *at the ſuit or ſuits of the ſeveral perſon or perſons therein reſpectively mentioned (except* [if an exception is neceſſary] *ſuch perſons as are therein particularly mentioned and deſcribed to have died, been diſcharged or removed to ſome other priſon by proceſs of law, or to have eſcaped out of ſuch priſon without my privity, knowledge or conſent, ſince the ſaid* 25th *day of* October 1760.) *and that all and every of them whoſe name and names is and are contained in the firſt part of the ſaid liſt (except as before excepted) to the beſt of my knowledge and belief, have really and truly continued and remained in actual cuſtody in the ſaid gaol or priſon of ever ſince the ſaid* 25th *day of* October 1760. *and that the ſaid liſt is a true, exact, perfect and juſt liſt of all ſuch perſons as were really and truly priſoners in actual cuſtody in the gaol or priſon of on the ſaid* 25th *day of* October 1760. *and who ſince the ſaid* 25th *day of* October 1760. *have been really and truly committed, or ſurrendered to the ſaid gaol or priſon of (except as before excepted) to the beſt of my knowledge and belief; and that none of ſuch priſoners to my knowledge or with my privity, have voluntarily or with deſign, or in expectation to take any benefit from or under any act of parliament to be made for relief of inſolvent debtors, ſurrendered or been committed to the ſaid priſon of or got his, her or their name or names entered as priſoner or priſoners in the books of the ſaid priſon, or ſince their commitment have to my knowledge or with my privity, reſided out of the ſaid priſon of* [if any have ſo done, then add, *except* inſerting their names.]

Which oaths the juſtices are to adminiſter in open court; and the oath taken by the ſaid warden and marſhal reſpectively ſhall be written at the end of the liſt delivered in by them reſpectively, and ſhall be ſubſcribed and ſworn to in open court; and the oath taken by every other gaoler ſhall be written at the end of the liſt delivered by them reſpectively, and ſhall be ſubſcribed and ſworn to in court: and every ſuch liſt ſhall be kept by the clerk of the peace, to be ſeen without fee.

CIV. *Sect.* 3. Every gaoler is required 10 days at leaſt before the firſt or ſecond general or quarter ſeſſion of the peace after the 31st of *March* 1761. for the county, *&c.* in which ſuch gaol is, to fix up in ſome conſpicuous place in ſuch priſon, and at the moſt frequented gate into ſuch priſon, three or more copies of the liſt intended to be delivered at the ſaid ſeſſion.

CV. *Sect.* 4. Every perſon whoſe name ſhall be inſerted in ſuch liſt, who upon the 25th of *October* 1760. were priſoners in actual cuſtody, and did not come into or get their names entered in the book of any priſon as priſoners there, with a view to take the benefit of ſome act for the relief of inſolvent debtors, and who ſhall take the oath after mentioned, and perform what is required by this act, ſhall be diſcharged from impriſonment.

CVI. *Sect.* 5. Any priſoner who ſhall be in actual cuſtody at the time of paſſing this act, and was on or before the 25th of *October* 1760. arreſted for any ſum of money and held to bail thereon, and did on or before the 28th of *November* 1760. render himſelf or was ſurrendered in diſcharge of his bail, and thereupon committed to priſon, and has continued therein until the paſſing of this act, ſhall, upon proof of the premiſſes upon oath, be diſcharged from ſuch debt in like manner as if he had been actually in priſon upon the 25th of *October* 1760. ſubject to the ſame proviſions impoſed upon priſoners in cuſtody upon the 25th of *October* 1760. and to the ſame terms relating to the effects of ſuch priſoner.

CVII. *Sect.* 6. It ſhall be lawful for any juſtice of any county, *&c.* upon the petition of ſuch priſoner (upon ſuch priſoner leaving with the juſtice a copy of the ſchedule of his real and perſonal eſtate, to be ſworn to at the firſt or ſecond ſeſſion after ſuch petition, or ſome adjournment thereof) by warrant to require the ſheriff or gaoler within his juriſdiction, to bring before the juſtices at the firſt or ſecond next general ſeſſion of the peace, or any adjournment thereof, after 10 days from the date of ſuch warrant, the body of any perſon in the ſaid priſon, with the warrant of detainer, together with copies of the cauſes which he is charged with, which warrant ſuch ſheriff and gaoler is to obey.

CVIII. *Sect.* 7. The copy of every ſchedule left with ſuch juſtice, ſhall within 10 days be tranſmitted by the juſtice to the clerk of the peace to be inſpected by any creditor.

CIX. *Sect.* 8. Every priſoner who intends to petition to be diſcharged, ſhall firſt cauſe notice to be inſerted in three *London Gazettes* previous to ſuch ſeſſion at which he ſhall apply to be diſcharged from any gaol in *London*, or within the weekly bills of mortality; and if ſuch priſoner be in any gaol out of *London* or the bills of mortality, then alſo in ſome news paper publiſhed in or near the county, *&c.* in the gaol whereof he is; containing his name, trade or occupation, and two laſt places of abode, if ſo many, and the priſon wherein he is confined, and his intention to take the benefit of this act, and mentioning ſuch notice in each *Gazette* or news paper, to be the firſt, ſecond or third notice; for the inſerting of each of which notices in the *Gazette*, or any other news paper, there ſhall be paid by ſuch priſoner 2 *d.* and no more: the firſt of which notices ſhall be ſo inſerted in the *Gazette* or the other news paper as the caſe requires, 30 days at leaſt, and the laſt 10 days at leaſt, before ſuch firſt or ſecond general ſeſſion or adjournment; ſo that as well all the creditors who have not charged the priſoner in cuſtody, as thoſe who have charged him, may have ſufficient notice.

CX. *Sect* 9. Every ſuch priſoner, who in purſuance of ſuch warrant ſhall be brought to any quarter-ſeſſion, in caſe it be proved upon oath, or by producing the three *Gazettes* and news papers, that ſuch notices were ſo inſerted, and that the perſon petitioning was actually a priſoner on the 25th of *October* 1760. or ſince, in the priſon in which his name is ſpecified in the liſt there delivered, ſhall in open court ſubſcribe and deliver in a true ſchedule of all his real eſtate either in poſſeſſion, reverſion, remainder or expectancy, and alſo of the whole of his perſonal eſtate, with the names of his debtors, and where they live or may be met with, and the ſums from them owing and how they became due, and are ſecured; and if by mortgage, ſpecialty, contract, note or other writing, then the names and places of abode of the witneſſes who can prove ſuch debts or contracts (if any ſuch) and ſhall alſo make oath to the effect following; *viz.*

I A. B. *upon my corporal oath, in the preſence of Almighty God, do ſolemnly ſwear, proteſt and declare, that on the* 25th *of* October 1760. *I was a priſoner, or elſe,* as the caſe may be, *that ſince the* 25th *day of* October 1760. *I have ſurrendered, or have been committed to the priſon of in diſcharge of my bail, or for want of bail,* as the caſe ſhall be; *and that I was actually arreſted before the ſaid* 25th *day of* October 1760. *in the action or ſuit actions or ſuits in which I ſurrendered or was committed as aforeſaid to the gaol or priſon of and that I have ever ſince my ſaid ſurrender or commitment, continued a priſoner within the priſon of in the actual cuſtody of the gaoler or keeper of the ſaid priſon of or within the liberties thereof, at the ſuit of and without any fraud or colluſion whatſoever; and that the ſchedule now delivered by me and ſubſcribed, doth contain to the beſt of my knowledge, remembrance and belief, a full, juſt, true and perfect account and diſcovery of all the goods, effects and eſtates, real and perſonal, either in poſſeſſion, reverſion, remainder or expectancy, which I or any perſon in truſt for me, or for my benefit or advantage, am ſeiſed or poſſeſſed of, intereſted in or intitled to; and of all debts as are to me owing or to any perſon or perſons in truſt for me; and of all the ſecurities and contracts whereby any money now is or will or may hereafter become payable, or any benefit or advantage may accrue to me or to my uſe, or to any perſon or perſons in truſt for me; and the names and places of abode of the ſeveral perſons from whom ſuch debts are due and owing; and of the witneſſes that can prove ſuch debts or contracts,* if any ſuch there be; *and that neither I nor any other perſon or perſons in truſt for me, or for my uſe, have any lands, money, ſtock or any eſtate, real or perſonal, in poſſeſſion, reverſion or remainder, or expectancy, other than what are in the ſaid ſchedule contained; except wearing apparel and bedding for myſelf and family, working tools, and neceſſary implements for my occupation and calling, and theſe in the whole not exceeding the value of* 10 *l. and that I have not nor any body for me hath, directly or indirectly ſold, leſſened or otherwiſe conveyed, diſpoſed of in truſt, or concealed, all or any part of my lands, money, goods, chattles, ſtock, debts, ſecurities, contracts or eſtate, real or perſonal, whereby to ſecure the ſame, or to receive or expect any profit or advantage thereof, or with intent to defraud or deceive any creditor or creditors, to whom I am or was indebted in any wiſe whatſoever.*

So help me God.

And

And the ſaid ſchedule and oath ſhall be by ſuch priſoner ſubſcribed in the preſence of the juſtices in ſeſſion, and ſhall be kept by the clerk of the peace, and every creditor ſhall be at liberty to peruſe the ſame.

CXI. *Sect.* 10. The juſtices within their juriſdictions, at any general ſeſſion or adjournment, at the requeſt of any creditor are authorized to cauſe the deputy warden and marſhal of the *Fleet* and *King's Bench* priſon, and any other under officer of any priſon, and any other perſon, to come before them, and to examine them on oath touching any matters contained in the oaths preſcribed by this act; and if the oath taken in court by any priſoner be not diſproved, and ſuch juſtices at ſeſſion be ſatisfied with the truth of the oath taken by ſuch reſpective priſoner, then ſuch juſtices ſhall command the ſheriff or gaoler forthwith to ſet at liberty ſuch priſoner without any fee, other than 1 *s.* for his attendance with ſuch priſoner at ſuch ſeſſion: and ſuch order ſhall be a diſcharge to the ſheriff or gaoler, and indemnify him againſt any eſcape or action.

CXII. *Sect.* 11. All the real and perſonal eſtate of ſuch priſoner ſhall immediately after his diſcharge be veſted in the clerk of the peace, who is to make an aſſignment of ſuch eſtates and effects to ſuch creditors as the juſtices at ſeſſion ſhall direct: which aſſignment ſhall be effectual without being ſtamped: And for the preparing and executing which aſſignment, no clerk of the peace ſhall take any greater fee than 2 *s.* And ſuch aſſignment ſhall be in truſt for the benefit of the creditors to whom made, and the reſt of the creditors of ſuch priſoner, in proportion to their reſpective debts. And every perſon to whom ſuch aſſignment is made is impowered to ſue in their own names, and to execute any truſt or power created for the uſe of ſuch priſoner, but in truſt for the benefit of themſelves and the reſt of the creditors; and to give diſcharges to any debtors to ſuch priſoner; and ſhall with all ſpeed uſe their beſt endeavours to get in the effects of ſuch priſoner; and make ſale of all the eſtates of ſuch priſoner veſted in ſuch aſſignees; and if ſuch priſoner be intereſted in any real eſtate, either in poſſeſſion, reverſion or expectancy, the ſame within two months after the aſſignment ſhall be ſold by auction in ſuch manner and at ſuch place, as the major part of the creditors aſſembled on any notice (publiſhed in the *London Gazette*, or in ſome daily paper, if the priſoner before his going to gaol reſided in *London*, or in the weekly bills of mortality: and if elſewhere, then in ſome news paper publiſhed in or near the place in which he dwelt before he was committed) 30 days before ſuch ſale ſhall under their hands agree on. And ſuch aſſignees at the end of three months ſhall make a dividend of all ſuch priſoner's effects then got in proportion to each creditor's debts; but before ſuch dividend be made ſuch aſſignees ſhall make an account of ſuch priſoner's eſtate, and make oath in writing before a juſtice, that ſuch account contains a juſt account of the effects of ſuch priſoner got in, and of all payments in reſpect thereof; and that all payments in ſuch account charged, were truly and *bona fide* made: and notice of the making ſuch dividend ſhall be publiſhed in like manner as a meeting of creditors is directed to be publiſhed, 30 days at leaſt before the ſame be made. And no creditor ſhall receive any ſhare of ſuch dividend until he have made out the juſtneſs and identity of his debt by oath or proof in writing before ſome juſtice; and if any creditor be diſſatisfied with the reality or fairneſs of any debt claimed by any other creditor, then the ſame at the requeſt of ſuch creditor diſſatisfied, ſhall be examined into by the juſtices at their next general ſeſſion, and what they determine ſhall be concluſive to all parties. And if after payment of all creditors any effects remain after payment of all reaſonable charges, the ſame ſhall be paid to ſuch priſoner, his executors or adminiſtrators.

CXIII. *Sect.* 12. No ſuit in equity ſhall be commenced by any aſſignees without the conſent of the major part in value of the creditors, who ſhall meet purſuant to a notice in the *London Gazette* for that purpoſe.

CXIV. *Sect.* 13. The clerk of the peace ſhall on requeſt of any creditor or his attorney, produce in the day time the ſchedule of the eſtates of any ſuch inſolvent debtor left with him or his predeceſſor; the perſon requiring to ſee ſuch ſchedule paying 1 *s.* for looking out ſuch ſchedule and attending whilſt the ſame is peruſed. And a copy of ſuch ſchedule ſigned by the clerk of the peace or his deputy, purporting the ſame to be a true copy without being wrote on ſtamp paper, ſhall be admitted in all courts as evidence. And if any clerk of the peace or his deputy, on

reaſonable

reaſonable requeſt neglect to produce any ſuch ſchedule, and to permit the ſame to be inſpected in the day time on ſuch payment; or aſk or take more than 6 *d.* by the ſheet, each ſheet to contain 90 words, and ſo in proportion for leſs than 90 words in a ſheet; or refuſe to deliver a copy of ſuch ſchedule, on having the money tendered for payment of ſuch copy; ſhall for every ſuch offence forfeit 10 *l.* which may be recovered in any court of record at *Weſtminſter* by action of debt, with treble coſts; one moiety of which money forfeited ſhall go to the party who proſecutes, and the other moiety to the poor of the pariſh in which the offence is committed.

CXV. *Sect.* 14. Before any aſſignees enter on or take any profit from any copyhold or cuſtomary eſtate, they ſhall agree with the lord of the manor for ſuch fine upon any ſurrender and admiſſion as uſual; and upon ſuch agreement the lord at the next or ſome ſubſequent court for the ſaid manor, ſhall admit ſuch aſſignees tenant to ſuch copyhold for ſuch eſtate as the priſoner had at the time of being diſcharged, reſerving the rents and ſervices.

CXVI. *Sect.* 15. Nothing herein ſhall affect any intereſt of any other perſon than the priſoner which may be expectant upon or ſubject unto the eſtate of the priſoner.

CXVII. *Sect.* 16. Where any rent not exceeding two years rent is due from ſuch priſoner at the time of his diſcharge, in reſpect to any tenements then in leaſe to ſuch priſoner for life or years, at will or otherwiſe, no goods then upon the tenements liable to be diſtrained ſhall be aſſigned by the clerk of the peace, but ſhall by ſuch clerk of the peace be transferred to ſuch landlord or ſome perſon intruſted for him, towards ſatisfaction of the rent due not exceeding two years rent; unleſs the perſon to whom ſuch aſſignment is made, ſhall under his hand before ſuch aſſignment agree to pay ſuch landlord the rent due, not exceeding two years rent; to the intent that ſuch landlord may be ſatisfied before any diviſion of the effects of ſuch priſoner, as he might be ſatisfied before the removal of ſuch goods by an execution, by force of 8 *Ann. cap.* 14. **Rents.**

CXVIII. *Sect.* 17. Nothing in this act ſhall prevent any mortgage upon the eſtate of ſuch priſoner, to take place upon the lands compriſed in ſuch mortgage; nor prevent any ſtatute, recognizance or judgment, to take place upon the lands of ſuch priſoner; and where any inquiſition ſhall have been taken upon ſuch ſtatute or recognizance, or any writ of execution delivered to the ſheriff upon ſuch judgment, before ſuch diſcharge be given in ſeſſion, the perſonal eſtate of ſuch priſoner ſhall be ſubject thereto in the firſt place, for ſo much as remains due upon ſuch mortgage, ſtatute, recognizance or judgment, in like manner as ſuch mortgagees and creditors by ſtatute, *&c.* would be preferred to other creditors of inferior nature, if this act had not been made.

CXIX. *Sect.* 18. Whereas many perſons who may claim the benefit of this act are ſeiſed of lands for term of their lives, with power of granting leaſes and taking fines reſerving ſmall rents on ſuch eſtates, for one, two or three lives, in poſſeſſion or reverſion, or for years determinable upon lives; which powers ought to be executed for the benefit of their creditors; all the powers of leaſing ſuch lands veſted in ſuch priſoner, ſhall be veſted in the aſſignees of his eſtate by this act, to be executed for the benefit of all the creditors.

CXX. *Sect.* 19. Whereas in ſome priſons the office of gaoler is held in fee, for life or otherwiſe, by perſons who never act as gaolers, but depute perſons under them as gaolers, in ſuch caſe the perſon actually employed as deputed gaoler at the time of delivering the liſts of priſoners at a general ſeſſion of the peace, and not the principal gaoler (unleſs he act as gaoler himſelf) ſhall take the oath before appointed.

CXXI. *Sect.* 20. The juſtices at any general ſeſſion of the peace or adjournment, to which any priſoner ſhall be brought in purſuance of this act, ſhall if required by any creditor who oppoſes his diſcharge, adminiſter to the gaoler at the time of bringing up ſuch priſoner, an oath to the following effect; *viz.*

I A. B. *do ſwear, that was really and truly a priſoner in my cuſtody, in the priſon of to the beſt of my knowledge and belief at or upon and that the copy or copies of the cauſe or cauſes of his or her commitment*

or

or detainer now by me brought with the body of the ſaid and produced to this court, is or are a true copy or copies of the cauſe or cauſes of ſuch detainer or commitment, without any fraud or deceit by me, or any other perſon whatſoever, to the beſt of my knowledge and belief.

So help me God.

And if any perſon who was gaoler or deputed gaoler on the 25th of *October* 1760. or ſince, be not gaoler at the time ſuch liſt is delivered, then the juſtices are to give the gaoler who delivers ſuch liſt an oath to the following effect; *viz.*

I A. B. *do ſwear, that I have examined the commitments or books kept of or concerning the commitment of priſoners to the priſon of in the [county, riding, diviſion, city, town, place, or liberty of* as the caſe ſhall be] *and that I do verily believe that the ſaid commitments or books of commitment, are really true and not fictitious nor calculated for this purpoſe; and by them it doth appear, that was on the day of really and truly a priſoner in the actual cuſtody of the then gaoler or keeper, or deputed gaoler or keeper of the ſaid priſon, without fraud or deceit by me, or any other perſon or perſons to my knowledge.*

So help me God.

CXXII. *Sect.* 21. And to diſcover any fraudulent commitments, the juſtices at any general ſeſſion or adjournment, are authorized at the requeſt of any creditor to convene before them, at ſome time appointed by them, any perſon who was gaoler or deputed gaoler on the 25th of *October* 1760. or at any time ſince, and to examine him on oath touching the commitment and continuance in cuſtody of any priſoner. And if any ſheriff, gaoler or deputed gaoler, neglect to bring before ſuch juſtices at ſeſſion any priſoner required by warrant of any juſtice, or to attend on being ſummoned; or if any gaoler attending refuſe to make anſwer and diſcovery in the premiſſes, he ſhall for every ſuch offence forfeit 100 *l.* to be recovered by the party injured, by action of debt in any court of record at *Weſtminſter*, with treble coſts.

CXXIII. *Sect.* 22. All debtors who were in foreign parts on the 25th of *October* 1760. and did not go into foreign parts with intent to gain the benefit of an inſolvent debtors act, who ſhall return and ſurrender themſelves unto the gaolers of the *King's Bench*, *Marſhalſea* or *Fleet*, or to the priſon of ſuch county or place, where ſuch debtors laſt dwelt for ſix months, ſhall be deemed priſoners, and be intitled to the benefit of this act; and ſhall upon proof of the premiſſes by oath of ſuch debtors (not diſproved) be diſcharged in the ſame manner, ſubject to the ſame reſtrictions; excepting only ſuch particulars as require the name of a priſoner to be inſerted in the gaoler's liſt, or relate to the oaths of ſuch gaoler, which cannot be applied to the caſe of perſons ſo ſurrendering; and except the oath appointed to be taken by priſoners in cuſtody upon the 25th of *October* 1760. inſtead whereof the perſons ſo ſurrendering ſhall take an oath in court at ſome general ſeſſion of the peace of the county, *&c.* in the priſon of which ſuch fugitive is, to the effect following.

I A. B. *upon my corporal oath, in the preſence of Almighty God, ſolemnly ſwear, proteſt and declare, that I was actually on the* 25th *day of* October 1760. *beyond the ſeas in foreign parts,* videlicet, *at and that the ſchedule now delivered and by me ſubſcribed, doth contain to the beſt of my knowledge, remembrance and belief, a full, juſt, true and perfect account and diſcovery of all the real eſtate, goods, effects, and other perſonal eſtate in any wiſe belonging to me; and alſo of all ſuch debts as are to me owing, or to any perſon or perſons in truſt for me; and of all the ſecurities and contracts whereby any money now is, or will or may hereafter become payable, or whereby or wherefrom any benefit or advantage may accrue to me or to my uſe, or to any other perſon or perſons in truſt for me; and the names and places of abode of the ſeveral perſons from whom ſuch debts are due and owing; and of the witneſſes that can prove ſuch debts or contracts,* if any ſuch there be; *and that neither I nor any perſon or perſons in truſt for me, is or are ſeiſed of any real eſtate in poſſeſſion, reverſion or remainder, or expectancy, or of any perſonal eſtate of any kind whatſoever, other than what are in the ſaid*

ſchedule contained; except my wearing apparel and bedding for myſelf and family, my working tools, and neceſſary implements for my occupation and calling, not exceeding in the whole the value of 10 *l. and that I have not directly or indirectly ſold, leſſened or otherwiſe conveyed, diſpoſed of in truſt, or concealed, all or any part of my real eſtate, money, goods, chattles, ſtocks, debts, ſecurities, contracts or other perſonal eſtate whatſoever, whereby to ſecure the ſame, ſo as to receive or expect any profit or advantage therefrom to myſelf or family, or with any view, intent or deſign, to defraud or deceive any creditor or creditors, to whom I am indebted in any wiſe howſoever, or prevent their recovering or attaining their reſpective debts.*

So help me God.

CXXIV. *Sect.* 23. If any gaoler or his deputy, without juſt cauſe to be approved of by the juſtices at ſeſſion, refuſe or delay to bring any ſuch priſoner to any ſuch ſeſſion in order to his diſcharge, or deſignedly omit to inſert in any ſuch liſt the name of any priſoner who was in cuſtody in his priſon on the 25th of *October* 1760. or ſince; or neglect to make out, fix up, or deliver ſuch liſts; or neglect to take any of the oaths before mentioned, or upon any pretence take more than 1 *s.* for his attendance in order to be diſcharged of ſuch priſoner; or detain any ſuch priſoner after he is diſcharged; or if the printer of the *London Gazette* or other news paper as aforeſaid wilfully neglect to inſert therein the name, trade, occupation, and laſt place of abode of ſuch priſoner, on reaſonable requeſt and tender of the money hereby directed, or take any fee more than 2 *d.* for doing thereof; every ſuch gaoler or deputy, and every ſuch printer, ſhall reſpectively forfeit to each priſoner injured 100 *l.* which may be recovered with treble coſts by action of debt, *&c.* in any court of record at *Weſtminſter*, wherein no eſſoin ſhall be allowed.

CXXV. *Sect.* 24. If any ſuch gaoler ſhall in taking any of the afore-mentioned oaths forſwear himſelf, and thereof be convicted, over and above ſuch penalties as may be inflicted on perſons convicted of perjury, he ſhall forfeit 100 *l.* to be recovered with coſts in any court of record at *Weſtminſter*, in the name of ſuch perſons their executors, *&c.* to whom any aſſignment in purſuance of this act ſhall be made of the effects of ſuch priſoner; and if no ſuch aſſignees be living, then in the name of any other creditor who ſhall ſue for the ſaid penalties; to be applied, one moiety to the informer and the other moiety towards ſatisfaction of the debts of ſuch creditors.

CXXVI. *Sect.* 25. If any clerk of the peace or his deputy delay to give any ſuch priſoner within 10 days after his diſcharge, a copy of the order of his diſcharge on payment of 2 *s.* 6 *d.* or take more than 2 *s.* 6 *d.* for ſuch copy, or take more than 2 *s.* for an aſſignment of ſuch priſoner's effects, every clerk of the peace or deputy, who ſhall ſo offend and be convicted at any general ſeſſion of the peace or adjournment, ſhall for every ſuch offence forfeit to every ſuch priſoner 20 *l.* to be levied by diſtreſs and ſale of goods.

CXXVII. *Sect.* 26. If any perſon who ſhall take the benefit of this act ſhall forſwear himſelf in any oath to be taken under this act and be convicted thereof, he ſhall be adjudged a felon, and ſuffer without benefit of clergy.

CXXVIII. *Sect.* 27. No perſon to be diſcharged by this act ſhall be impriſoned by reaſon of any judgment or decree obtained for payment of money only, or for any debt, damages, contempts, coſts or ſums of money, incurred before the 25th of *October* 1760. but upon every arreſt for ſuch debts, *&c.* it ſhall be lawful for any judge of the court where the proceſs iſſued, upon ſhewing the copy of the order of ſuch priſoner's diſcharge, to releaſe ſuch priſoner, on ſuch priſoner's cauſing a common appearance to be entered for him in ſuch action.

CXXIX. *Sect.* 28. If any action be brought againſt any juſtice, ſheriff or gaoler, for performing their office in purſuance of this act, they may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall have treble coſts.

CXXX. *Sect.* 29. If any *Scire facias* or action of debt or upon judgment be brought againſt any priſoner, his heirs, executors or adminiſtrators, upon any judgment obtained againſt ſuch priſoner, or on any ſtatute or recognizance acknowledged by him before the 25th of *October* 1760. with reſpect to priſoners in cuſtody, or with reſpect to debtors beyond the ſeas upon the ſaid 25th of *October*; it ſhall be

lawful for ſuch priſoner his heirs, &c. to plead generally, that ſuch priſoner was actually a priſoner in ſuch priſon at ſuch a perſon's ſuit, or was beyond the ſeas in foreign parts on the 25th of *October* 1760. and was duly diſcharged according to this act, at the general or quarter-ſeſſion or adjournment thereof, held at ſuch time and place for ſuch county, &c. without pleading any matter ſpecially; and in caſe any other action be commenced againſt him for money due before the 25th of *October* 1760. to plead in diſcharge of his perſon from execution (over and above ſuch matters as aforeſaid) that ſuch debt was contracted before the 25th of *October* 1760. without pleading ſpecially; whereto the plaintiffs may reply generally, and deny the matters pleaded, or reply any other matter which may ſhew the ſaid defendant not to be intitled to the benefit of this act, or not duly diſcharged according to it, in the ſame manner as if the defendant had pleaded this act and his diſcharge ſpecially; and if the plaintiff be nonſuited, &c. the defendant to have treble coſts.

CXXXI. *Sect.* 30. No perſon againſt whom a commiſſion of bankrupt hath iſſued, and who hath not already obtained his certificate in manner directed by the acts concerning bankrupts, or ſhall not obtain ſuch certificate before he ſhall be brought before the juſtices at their ſeſſion, ſhall have any benefit of this act.

CXXXII. *Sect.* 31. Nothing in this act ſhall diſcharge any attorney at law or ſolicitor, or any perſon acting as ſuch, with regard to any debt for any money or other effects recovered and received by him for the uſe of any perſon or bodies corporate, and by any attorney, &c. imbeziled, concealed or converted to his own uſe.

CXXXIII. *Sect.* 32. Every gaoler ſhall ſuffer in the day-time any perſon to ſee and ſpeak in the lodge or ſome room of the priſon with any priſoner whoſe names are inſerted in the liſts or *London Gazette* or other news paper, or any perſons ſurrendering themſelves purſuant to this act; and alſo ſee in the books of the priſon the entries of the names of ſuch priſoners, with the names of the perſons at whoſe ſuits they are detained: and if any gaoler neglect or refuſe, he ſhall forfeit to the perſon aggrieved 40*l.* to be recovered with coſts in any of the courts of *Weſtminſter*.

CXXXIV. *Sect.* 33. Notwithſtanding the perſon of any priſoner or fugitive be diſcharged under this act, the future effects of every ſuch priſoner and fugitive ſhall remain liable to his creditors as before this act; neceſſary wearing apparel and bedding for their families, and working tools and implements neceſſary for their occupation, not exceeding the value of 10*l.* in the whole, only excepted.

CXXXV. *Sect.* 34. Any creditor of any priſoner or fugitive diſcharged under this act, may at any time after ſuch diſcharge commence and proſecute any action againſt ſuch priſoner his heirs, &c. for the recovery of any money due at the time of his diſcharge, but ſhall not hold the perſon of ſuch priſoner or fugitive to ſpecial bail; nor take his perſon, neceſſary wearing apparel, bedding, tools or implements as aforeſaid in execution: and in any action commenced againſt ſuch priſoner, &c. his heirs, &c. no advantage ſhall be taken, for that the cauſe of action did not accrue within three years next before the commencing ſuch action; nor ſhall any ſtatute of limitation be pleadable in bar of any ſuch action, unleſs ſuch cauſe of action did not accrue within three years next before ſuch priſoner ſhall be diſcharged under this act; and in ſuch caſe the ſame may be pleaded by ſuch priſoner his heirs, executors or adminiſtrators.

CXXXVI. *Sect.* 35. By the diſcharge of any priſoner by this act, no partner in trade with ſuch priſoner at the time of his diſcharge, or perſon who then ſtood bound with ſuch priſoner or engaged in any contract together with him ſhall be diſcharged from ſuch debt; but ſhall be liable to pay ſuch debt and perform ſuch contracts, as if ſuch priſoner had never been diſcharged.

CXXXVII. *Sect.* 36. If any gaoler or reputed gaoler make or cauſe to be made any falſe entries in any books belonging to any priſon under his care, or keep any falſe books for falſe entries to be made therein; or inſert in any liſt to be delivered as aforeſaid, the name of any perſon who was not a priſoner in actual cuſtody in ſuch priſon upon the 25th of *October* 1760. or ſhall not have ever ſince remained in cuſtody; except as in the oath of ſuch gaoler ſhall be excepted; every ſuch gaoler ſhall, over and above the penalties which he ſhall be liable to for ſuch fraud, forfeit

500*l.*

500*l.* to be recovered with treble coſts by any perſon prejudiced, in any court of record at *Weſtminſter*, wherein no eſſoin, *&c.* ſhall be allowed.

CXXXVIII. *Sect.* 37. If any priſoner thereunto required by any creditor, refuſe to declare the occupation and habitation or laſt place of abode of the perſon at whoſe ſuit he is detained; or being deſired by any creditor, to come to the lodge of the priſon in which he is confined, without reaſonable cauſe; every ſuch priſoner, upon proof before the juſtices at ſeſſion, ſhall not have any benefit under this act.

CXXXIX. *Sect.* 38. Whereas there is but one common gaol for each of the counties of *York* and *Lincoln*, which counties are divided into ſeveral ridings or diviſions, all which have ſeveral commiſſions of the peace; and if the gaoler be obliged to carry the priſoners to the quarter-ſeſſion of each diviſion, the ſame will be a great charge; it ſhall be lawful for two or more juſtices for each of the ridings and diviſions in their reſpective counties, at the county gaol thereof reſpectively, or at ſome convenient place near, to meet and hold ſeſſion there, by adjournment from their reſpective quarter-ſeſſion, from time to time for the diſcharge of the reſpective priſoners therein.

CXL. *Sect.* 39. All debtors and others, who were in priſon on or before the 25th of *October* 1760. or ſince, and now remain there for not paying their fees, rents or other demands due to the gaoler or other officer of ſuch priſon, ſhall be diſcharged therefrom, taking the oath by this act required to be taken by priſoners.

CXLI. *Sect.* 40. This act ſhall not diſcharge any perſon out of priſon, with reſpect to any debt with which he ſhall ſtand charged at the ſuit of the crown, or ſhall be indebted to any body politic or to any one perſon in any ſum exceeding 1000*l.* beſides intereſt and coſts, unleſs ſuch creditor conſent thereto: and if ſuch creditor to whom a ſum exceeding 1000*l.* is owing oppoſe the diſcharge of ſuch priſoner, and inſiſt that ſuch priſoner be continued in gaol, then ſuch creditor ſhall allow ſuch a weekly maintenance to the priſoner not exceeding 3*s.* 6*d.* *per* week, in ſuch manner as the juſtices in ſeſſion ſhall order; and upon nonpayment of the ſame for ſix weeks, the priſoner upon application to the juſtices in ſeſſion ſhall be diſcharged.

CXLII. *Sect.* 41. Every perſon intitled to the benefit of this act ſhall obtain their reſpective diſcharges, on or before the 31st of *March* 1763. or ſhall be excluded from all benefit of this act.

CXLIII. *Sect.* 42. Whereas ſeveral perſons who may claim the benefit of this act, are ſeiſed of an eſtate tail, which with the remainders thereupon they have by law power to bar, in ſuch caſe ſuch perſons ſhall to all intents be deemed to be ſeiſed of ſuch lands, *&c.* in fee, provided the ſame be delivered up to their creditors, in the ſame manner as if ſuch perſons had levied a fine, ſuffered a common recovery or made a ſurrender thereof, and thereby had become ſeiſed in fee.

CXLIV. *Sect.* 43. It ſhall be lawful for the aſſignees of ſuch priſoners who ſhall obtain their diſcharge, or any perſons authorized by them, from time to time to apply to any two juſtices for the county, *&c.* where ſuch priſoners be, deſiring that ſuch priſoners may be further examined as to their effects; whereupon ſuch juſtices ſhall ſend for ſuch priſoners, and examine them as well upon oath as otherwiſe, as to ſuch matters as ſuch aſſignee ſhall deſire, relating to the effects; and if any priſoners (on tender of ſuch charges as ſuch juſtices ſhall judge ſufficient) neglect to come, not having a lawful excuſe to be made known to ſuch juſtices and by them allowed, or refuſe to be ſworn or to anſwer to the queſtions put by ſuch juſtices relating to the diſcovery of their effects; it ſhall be lawful for ſuch juſtices by warrant to apprehend ſuch priſoners, and them to commit to the county gaol until they ſubmit to ſuch juſtices and anſwer upon oath to all ſuch queſtions..

CXLV. *Sect.* 44. All perſons who ſhall within 12 months after the diſcharge of ſuch priſoner, voluntarily come in and make a diſcovery of any part of ſuch debtor's real or perſonal eſtate as ſhall not be compriſed in ſuch ſchedule before any ſuch juſtices, ſhall be allowed 20 *per cent.* out of the net produce of ſuch debtor's eſtate recovered on ſuch diſcovery; which ſhall be paid by the aſſignees of ſuch priſoner's effects.

CXLVI. *Sect.* 45. Notwithſtanding the diſcharge of any priſoners by this act, if it hereafter appear the ſame was obtained fraudulently, or that any part of the oath taken by ſuch priſoner was not true, ſuch diſcharge ſhall be void.

CXLVII. *Sect.*

CXLVII. *Sect.* 46. It ſhall be lawful for any creditor of any priſoner committed, or who ſhall hereafter be committed and charged in execution in any priſon, upon 20 days notice in writing to be given to ſuch priſoner and to the gaoler in whoſe cuſtody ſuch priſoner is, to require the ſheriff or gaoler to bring ſuch priſoner before the juſtices at their next general ſeſſion with copies of the cauſes of his detainer; and ſuch priſoner coming before ſuch juſtices at their ſeſſion, ſhall at the deſire of any creditor at whoſe ſuit he is detained, be obliged to take and ſubſcribe the oath herein after directed, and to deliver in and ſubſcribe a ſchedule of his effects, in like manner as perſons deſiring to take the benefit of this act; and ſuch priſoner upon taking the oath herein after directed and ſubſcribing ſuch ſchedule, and diſcovering his eſtates to the ſatisfaction of the juſtices in ſeſſion, ſhall be diſcharged in the ſame manner and with the ſame benefit as priſoners diſcharged under this act. And if any ſuch priſoners ſo brought up neglect ſo to do, and to deliver in and ſubſcribe ſuch ſchedule within 40 days, or ſhall wilfully conceal any of his effects to the amount of 20 *l.* or any writings thereto belonging with intent to defraud his creditors, and be convicted, ſhall be deemed guilty of felony and ſuffer death; and in ſuch caſe ſuch felon's goods ſhall be divided amongſt his creditors. *This ſection is repealed by* 2 Geo. 3. cap. 2.

CXLVIII. *Sect.* 47. The creditors who deſign to compel ſuch priſoner to deliver ſuch ſchedule of their effects, and ſurrender up the ſame, ſhall give notice in the *London Gazette*, if the priſoner is in cuſtody in *London* or within the weekly bills of mortality, and if not, then alſo in ſome news paper publiſhed in or near the place where the gaol is in which ſuch perſon is a priſoner, 20 days at leaſt before ſuch ſeſſion, to the end the other creditors may come in for their diſtributive ſhares of the effects: which effects ſhall be diſpoſed of with all convenient ſpeed after any perſons ſhall be choſe aſſignees; and the neat produce thereof ſhall be diſtributed amongſt all the creditors in proportion to their debts, who ſhall aſcertain the ſame on oath, in like manner as creditors of perſons ſeeking their diſcharge under this act: and if any diſpute ariſe touching any debt, the ſame ſhall be determined by the juſtices at the next ſeſſion for the county, *&c.* wherein the priſon, in which ſuch priſoner was in cuſtody when required to ſurrender up his effects, is; and if after paying all the debts of ſuch priſoner and all neceſſary charges any overplus remain, the ſame ſhall be paid to ſuch priſoner, his executors or adminiſtrators.

CXLIX. *Sect.* 48. Every priſoner required to deliver up his effects, ſhall at the ſeſſion at which he is required to appear, take an oath to the effect following; *viz.*

I A. B. *upon my corporal oath, in the preſence of Almighty God, do ſolemnly ſwear, proteſt and declare, that the ſchedule now delivered in and by me ſubſcribed doth contain to the beſt of my knowledge, remembrance and belief, a full, juſt, true and perfect account and diſcovery of all my real eſtate, either in poſſeſſion, reverſion, remainder or expectancy, and of all the goods, chattels and perſonal eſtate, which I or any in truſt for me, or for my benefit or advantage now have or am intitled to; and of all debts as are to me owing, or to any perſon or perſons in truſt for me; and of all ſecurities and contracts whereby any money now is, or will or may hereafter become payable to, or any benefit or advantage may accrue to me or to my uſe, or to any perſon or perſons in truſt for me; and the names and places of abode of the ſeveral perſons from whom ſuch debts are due and owing; and of the witneſſes that can prove ſuch debts or contracts, and alſo a true account of all books, papers, decrees, writings and evidences relating thereto, in my cuſtody or power; and that neither I nor any perſon or perſons in truſt for me, have to my knowledge and belief any lands, money, ſtock, or other eſtate real or perſonal, in poſſeſſion, reverſion or remainder, other than what is or are in the ſaid ſchedule contained; except the wearing apparel, bedding for myſelf and family, working tools and neceſſary implements for my occupation and calling, and theſe in the whole not exceeding the value of* 10 l. *and that I have not nor any body for me hath directly or indirectly ſold, leſſened or otherwiſe conveyed, diſpoſed of in truſt, or concealed, all or any part of my meſſuages, lands, money, goods, chattles, ſtock, debts, ſecurities, contracts, or eſtates real or perſonal, or any books, papers or writings concerning the ſame, whereby to ſecure the ſame or to receive or expect any profit or advantage to myſelf or my family, or with any view or deſign to defraud or*

 deceive

deceive any creditor or creditors, to whom I am indebted or was indebted when committed to gaol, in any wiſe howſoever.

So help me God.

CL. *Sect.* 49. Every ſuch priſoner ſhall be obliged from time to time to undergo the like examination on the application of the aſſignees, as priſoners ſeeking their diſcharge under this act; and ſhall be ſubject to the like commitment for refuſing to appear and anſwer upon oath any lawful queſtions before any juſtice of peace, for the diſcovery of his effects.

CLI. *Sect.* 50. Any perſon who ſhall have accepted of any truſt, and ſhall wilfully conceal or protect any eſtate real or perſonal, of any ſuch priſoner from his creditors, and ſhall not within 30 days after aſſignees ſhall be choſe, diſcover to ſuch aſſignees ſuch truſt and eſtate in writing, and deliver up or make over the ſame to ſuch aſſignees, ſhall for every ſuch offence forfeit 100 *l.* and double the value of the eſtate real or perſonal ſo concealed, to the uſe of the creditors; to be recovered by any action of debt, in any court of record at *Weſtminſter*, in the name of the aſſignees, with treble coſts.

CLII. *Sect.* 51. It ſhall be lawful for any aſſignees of the effects of any priſoner, with the conſent of the major part in value of ſuch priſoners creditors, at a meeting to be had on 21 days notice in the *London Gazette*, if the priſoner was in cuſtody in *London* or within the weekly bills of mortality, and if not, then alſo in ſome news paper publiſhed in the place in or near which ſuch perſon ſhall have been in gaol, to make compoſition with any debtors to ſuch priſoner; and to take ſuch reaſonable part of any ſuch debt as can be gotten, in full diſcharge of ſuch debts; and alſo to ſubmit any difference relating to ſuch priſoner's effects or debts due to him, to the determination of arbitrators to be choſen by the aſſignees and the major part in value of ſuch creditors and the party, and to perform the award of ſuch arbitrators, or of any umpire to be choſen by them; or otherwiſe to agree the matters in difference as the ſaid aſſignees with ſuch conſent as aforeſaid ſhall think fit, and the ſame ſhall be binding to all the creditors; and every ſuch aſſignee is indemnified for what he ſhall fairly do in the premiſſes.

CLIII. *Sect.* 52. It ſhall be lawful for the courts at *Weſtminſter*, and the courts of great ſeſſion in *Wales* and the principality of *Cheſter*, and the counties palatine of *Lancaſter* and *Durham*, reſpectively, from whence any proceſs iſſued upon which any ſuch priſoner was committed, (or, where the proceſs iſſued out of any other court, for the judges of the court of King's bench, common pleas and exchequer, or of the great ſeſſions aforeſaid, within their reſpective juriſdictions or any of them) upon the petition of any ſuch priſoner or creditor complaining of any inſufficiency or miſbehaviour of any aſſignees, and upon hearing the parties to make ſuch orders, either for the removal of ſuch aſſignees and the appointing new aſſignees, or for the management of the effects, as they ſhall think fit; and in caſe of the removal of aſſignees and appointing new aſſignees, the eſtate of ſuch priſoner ſhall be deveſted out of the aſſignees removed and be veſted in and delivered over to ſuch new aſſignees, in the ſame manner as before.

CLIV. *Sect.* 53. In caſes where mutual credit hath been given between any priſoner to be diſcharged and any other perſon before the delivery of ſuch ſchedule, the aſſignees are to ſtate an account between them; and nothing more ſhall be veſted in ſuch aſſignees than what appears to be due for the balance.

CLV. *Sect.* 54. Poor people impriſoned for debt upon proceſſes iſſuing out of courts of conſcience, ſhall be intitled to the benefit of this act.

CLVI. *Sect.* 55. In all caſes wherein by this act an oath is required, the ſolemn affirmation of a quaker ſhall be taken; and every perſon making ſuch affirmation, who ſhall be convicted of wilful and falſe affirming, ſhall incur the ſame penalties as are inflicted by this act upon perſons convicted of wilful and corrupt perjury.

CLVII. *Sect.* 56. No perſon who took the benefit of 28 *Geo.* 2. *cap.* 13. ſhall have any benefit of this act.

CLVIII. *Sect.* 57. No perſons under the age of 50 years, who have been at any time in the ſervice of his late Majeſty King *George* the Second, either by ſea or land, or any ſea-faring man under the ſaid age of 50 years, ſhall during the preſent

war

war with *France* have any benefit of this act, unleſs ſuch perſons if deemed fit to ſerve his Majeſty by any officer who ſhall attend at any general ſeſſion of the peace, at which ſuch priſoners ſhall be diſcharged, ſhall liſt themſelves into his Majeſty's ſervice either by ſea or land, as a mariner or ſoldier, immediately after ſuch diſcharge, and continue in ſuch ſervice during the continuance of the preſent war; and if any perſon who ſhall obtain his diſcharge under this act ſhall deſert during the continuance of the preſent war, it ſhall be lawful for any creditor at whoſe ſuit he was detained at the time of his diſcharge, to renew and ſue out the like proceſs as ſuch perſon ſtood charged in cuſtody with at the time of his diſcharge, and to cauſe ſuch perſon to be arreſted and detained in priſon anew for his debt, as if this act had never been made, and ſuch perſon had not before been confined in priſon.

CLIX. *Sect.* 58. Nothing in this act ſhall extend to *Scotland*.

Drapery.

CCCXLVIII. **Stat.** 14 *Geo.* 2. *cap.* 35. *ſect.* 1. The juſtices of the peace for the weſt-riding of *Yorkſhire*, not being dealers in woollen cloth, or owners, farmers or occupiers of any fulling-mill, at their general quarter-ſeſſions of the peace next after *Eaſter* yearly, ſhall appoint ſo many perſons following or brought up in the trade of a maker or dreſſer of woollen broad cloth in the ſaid riding, as they think convenient, to be meaſurers and ſearchers of cloth at the mills in the ſaid riding, over and above ſuch perſons as may be appointed ſearchers by 11 *Geo.* 1. *cap.* 24. or 7 *Geo.* 2. *cap.* 25. and ſtation the meaſurers and ſearchers ſo choſen at ſuch mills, as to the juſtices in ſeſſions ſhall ſeem convenient; and ſhall aſſign to the ſaid meaſurers any yearly ſalaries not exceeding 25 *l.* to each.

CCCXLIX. *Sect.* 2. If any ſuch ſearcher die during the year in which he is a ſearcher, or by ſickneſs or accident be rendered incapable of executing the office; it ſhall be lawful for any one juſtice of peace living near the place where ſuch ſearcher reſided, to appoint an other perſon qualified as aforeſaid, to ſupply his place until the next *Eaſter* ſeſſions, to be there confirmed or another perſon appointed; and the perſon ſo confirmed or appointed ſhall take the ſame oath and be inveſted with the ſame powers and liable to the ſame penalties, as the ſearchers elected at the *Eaſter* ſeſſion.

CCCL. *Sect.* 3. The meaſurers ſo appointed ſhall at the reſpective fulling-mills where they are ſtationed, jointly with the millmen meaſure all the whole cloths and ends there milled, *viz.* ſuch cloths or ends as ſhall be ſtreamed in the goit or mill-ſtream of the ſaid mills ſhall be meaſured within ſix, and not ſooner than four hours after the ſame are ſtreamed; and ſuch cloths or ends as ſhall not be ſo ſtreamed ſhall be meaſured within four hours after the ſame ſhall come out of the ſtock.

CCCLI. *Sect.* 4. No cloth-maker ſhall take away his cloth from any ſuch fulling-mill before the ſame has lain four hours after it has been ſtreamed; or before the ſame has lain four hours after it has come out of the ſtock (in caſe it be not ſo ſtreamed) unleſs the ſame be ſooner meaſured and ſtamped in manner after mentioned, by the ſearcher jointly with the millmen at whoſe mills ſuch cloth is milled or fulled: and if any cloth-maker take away his cloth from the mill before the ſame be ſo meaſured and ſtamped, being convicted upon the oath of the millman or meaſurer before a juſtice of peace for the ſaid riding, or any corporation within the ſame, (ſuch juſtice not being a trader in the woollen manufacture or owner or occupier of any fulling-mill,) every perſon ſo offending ſhall for every offence forfeit 20 *s.* to be levied as the penalties inflicted by 7 *Geo.* 2. *cap.* 25. and to be applied, one moiety to the informer, and the other moiety to the treaſurer of the weſt-riding of *Yorkſhire*.

CCCLII. *Sect.* 5. Every millman employed at any fulling-mill in the ſaid riding, within 10 days after he is appointed and employed, and every meaſurer and ſearcher at the time he is appointed, ſhall take an oath before ſome juſtice of peace for the ſaid riding or any corporation within the ſame, that they will well and truly perform ſuch meaſuring and ſtamping according to the meaning of this act; and ſuch juſtice ſhall give ſuch millman and ſearcher a certificate of ſuch oath's having been taken.

CCCLIII. *Sect.*

CCCLIII. *Sect.* 6. The fuller or millman who ſhall full or mill ſuch cloth, and the meaſurer or ſearcher who ſhall meaſure the ſame, ſhall affix before it be carried from the mill, two ſeals of lead to be furniſhed by the clothier; one of which ſhall be fixed at one end of ſuch cloth by the fuller or millman, and the other by ſuch ſearcher or meaſurer, at the other end of ſuch cloth; and ſuch ſearcher or meaſurer and fuller or millman reſpectively, ſhall rivet the ſeals affixed on ſuch cloth, and each of them ſtamp his name or part thereof upon the ſeal or rivet; and likewiſe in figures ſtamp the length and breadth of every ſuch cloth; and immediately after the ſearcher ſhall enter in a book to be provided by the treaſurer and kept at the fulling-mill, the name and place of abode of the maker of ſuch cloth, and the colour or ſort of the ſame, and length and breadth on ſuch ſeals; for which ſeals there ſhall be paid by the owner of the cloth to the millman, *viz.* For the ſeals of every whole or long cloth, 4 *d.* and for the ſeals of every end or half cloth, 2 *d.* three fourth parts whereof ſhall be paid by ſuch millman to the treaſurer of the weſt-riding to be applied as herein after directed, and the other fourth part thereof to ſuch fuller or millman for his own uſe; and no other duty ſhall be paid for meaſuring or ſtamping of cloth.

CCCLIV. *Sect.* 7. The number of yards ſo ſtamped on ſuch ſeals ſhall be the rule of payment for ſuch cloth by the buyer.

CCCLV. *Sect.* 8. In caſe any long or whole cloth or end or half cloth, after it is fully milled and has lain four hours as aforeſaid, ſhall be under the breadth of 1 yard 13 inches and half, for above one fifth part of the length, then upon information before a juſtice of peace (not a trader in the woollen manufacture, or owner or occupier of any fulling-mill) and upon proof upon oath by one witneſs, the maker or owner of ſuch cloth ſhall forfeit for every ſuch defect in breadth in ſuch whole cloth or end, as follows, *viz.* For the firſt inch ſuch cloth ſhall be under the breadth of 1 yard 13 inches and half, 2 *s.* 6 *d.* for the ſecond inch 5 *s.* and every other inch 15 *s.* The ſaid penalties after deducting the coſts of proſecution, ſhall be applied one moiety to the informer, and the other moiety to the treaſurer of the ſaid weſt-riding, and ſhall be levied as other penalties are to be levied by this act.

CCCLVI. *Sect.* 9. No clothier or maker of woollen broad cloth ſhall be liable to any penalty for making cloth under the breadth before deſcribed, other than the penalties inflicted by this act.

CCCLVII. *Sect.* 10. If after any cloth is milled, ſealed and ſtamped, any part thereof be damaged and taken off, ſuch part as ſhall not be damaged ſhall be again meaſured, ſealed and ſtamped by a ſearcher, who ſhall affix a new ſeal to the ſaid cloth, which ſhall then be a rule of payment for ſuch cloth.

CCCLVIII. *Sect.* 11. If the owner of ſuch cloth, when it is brought from the fulling-mill, upon meaſuring the ſame find it to be of leſs length or leſs breadth for above one fifth part of the length, than is by ſuch ſeals expreſſed, and before the ſame has been expoſed to ſale make oath thereof before a juſtice of peace, and at the ſame time make oath that the ſaid admeaſurement was made by him before the ſaid cloth had been above four hours in his cuſtody at home, and of the true length and breadth he found the ſame to be; then the fuller or millman and ſearcher, who meaſured and ſtamped the cloth, being convicted by ſuch oath of the clothier ſhall for every ſuch offence jointly forfeit, for the firſt inch in breadth, or half a yard in length that ſuch cloth ſhall fall ſhort of the meaſure marked on the ſame, 5 *s.* and for every other inch in breadth or half a yard in length, 10 *s.* the ſaid penalties, after deducting the coſts of proſecution, to be applied one moiety to the informer and the other moiety to the treaſurer of the ſaid weſt-riding.

CCCLIX. *Sect.* 12. It ſhall be lawful for the ſaid treaſurer to deduct the money forfeited by the meaſurers and ſearchers reſpectively, out of their yearly ſalaries.

CCCLX. *Sect.* 13. The juſtices of peace before whom any conviction ſhall be made, and the meaſurers and ſearchers ſhall four times in every year at leaſt, tranſmit to the treaſurer of the ſaid weſt-riding an account in writing of all the convictions made purſuant to this act, or either of the former acts within their knowledge, and of all the penalties levied on account thereof, payable to the ſaid treaſurer.

CCCLXI. *Sect.* 14. No millman or ſearcher ſhall be liable to any penalty for falſly meaſuring, ſealing or ſtamping any cloth, other than the penalties by this act.

CCCLXII. *Sect.*

Drapery.

CCCLXII. *Sect.* 15. If any perſon be proſecuted for any of the offences mentioned in this or either of the ſaid former acts, after the cloth, relating to which ſuch proſecution is commenced, be ſold, the buyer ſhall on demand of the perſon proſecuted produce ſuch cloth; unleſs it appear on the oath of ſuch buyer or the perſon who packed the ſame, before a juſtice of the ſaid riding or any corporation within the ſame, which oath ſuch juſtice ſhall adminiſter *gratis*, that ſuch cloth was then dreſſed, preſſed and packed up, in order to be ſent away from ſuch buyer: and in caſe the buyer or owner of ſuch cloth refuſe to produce it he ſhall forfeit 5 *l.* to be levied and applied as aforeſaid.

CCCLXIII. *Sect.* 16. This act ſhall extend to all woollen broad cloth made, milled, dreſſed, or expoſed to ſale in the weſt-riding of the county of *York*, except white cloth, after the ſame is put into hot water to be dyed.

CCCLXIV. *Sect.* 17. All informations on which any conviction ſhall be made, ſhall be made within five days after the diſcovery of the offence.

CCCLXV. *Sect.* 18. The treaſurer of the ſaid weſt-riding ſhall, out of the money received on account of the duties and penalties before directed to be paid to ſuch treaſurer, in the firſt place pay the expences of paſſing this act, and afterwards pay the ſaid duties and penalties to ſuch uſes as are directed by this or the ſaid two former acts.

CCCLXVI. *Sect.* 19. After the money expended in obtaining this act is paid off, it ſhall be lawful for the juſtices of peace for the ſaid weſt-riding, at their general quarter-ſeſſion next after *Eaſter*, to make orders for the increaſing or diminiſhing the duties to be paid for meaſuring, ſtamping and ſealing of cloth, ſo as the ſame never exceed 4 *d.* for a whole cloth, and 2 *d.* for an end or half cloth.

CCCLXVII. *Sect.* 20. This preſent act and all things contained in 11 *Geo.* 1. *cap.* 24. and 7 *Geo.* 2. *cap.* 25. which were to continue to the end of this ſeſſion of parliament, except ſuch as are hereby repealed or altered, ſhall be perpetual: and this act ſhall be deemed a public act.

See **Blackwell-hall, Dyers, India goods, Worſteds, Wool,** &c.

Drugs.

XI. **Stat.** 17 *Geo.* 2. *cap.* 31. *ſect.* 3. All borax and camphire refined in *Great Britain*, upon oath made by the refiner that the ſaid borax and camphire entered for exportation, were produced ſolely from the ſame imported unrefined, and for which the duties had been paid, and that the ſame were duly exported, his Majeſty's ſearcher alſo certifying the ſhipping thereof and all ſuch other requiſites being performed, as are neceſſary with regard to borax and camphire unrefined and ſhipt for exportation, ſhall have the ſame drawback of the duties, as a like quantity of unrefined borax and of unrefined camphire are intitled unto.

XII. **Stat.** 25 *Geo.* 2. *cap.* 32. *ſect.* 1. It ſhall be lawful for any of his Majeſty's ſubjects to import gum *Senega*, in *Britiſh* built ſhips navigated according to law, from any place in *Europe*.

XIII. *Sect.* 2. There ſhall be paid to his Majeſty for every 100 pounds weight of gum *Senega* imported from any place in *Europe*, by the importer before landing, a duty of 10*s.* and ſo in proportion for any greater or leſs quantity.

XIV. *Sect.* 3. The ſaid duty ſhall be levied by the officers of the cuſtoms, under the management of the reſpective commiſſioners of the cuſtoms; and all the clauſes, powers and penalties in 12 *Car.* 2. *cap.* 4. **Cuſtoms**, ſhall be put in execution for levying the duty by this act granted.

XV. *Sect.* 4. If any perſon enter any gum *Senega* as imported immediately from the place of its growth, or from any of his Majeſty's colonies in *America*, to avoid the duty by this act granted, which gum *Senega* ſhall afterwards appear to have been imported from ſome place in *Europe*, the perſon cauſing to be made ſuch entry ſhall forfeit all ſuch gum *Senega* ſo entered, and double the value; to be recovered by bill, *&c.* in any court of record at *Weſtminſter*, or in the court of exchequer in *Scotland*; wherein no eſſoin, *&c.* ſhall be allowed; and one moiety of the forfeiture ſhall be

to the uſe of his Majeſty, and the other moiety to the uſe of the perſon who ſhall ſue.

XVI. *Sect.* 5. Upon all diſputes touching the place from whence any gum *Senega* is imported, the *onus probandi* ſhall lie on the importer.

XVII. *Sect.* 6. The money ariſing by the duty hereby granted (the charges of raiſing excepted) ſhall be paid into the receipt of the exchequer, apart from all other branches of the public revenues ſubject to applications by any future act of parliament.

XVIII. **Stat.** 31 *Geo.* 2. *cap.* 12. *ſect.* 1. Every perſon who ſhall plant, raiſe or cultivate, any madder in any pariſh or place within *England*, ſhall pay to every parſon, vicar, curate or impropriator of ſuch pariſh, *&c.* 5 *s.* and no more yearly, for each acre of madder ſo planted, and proportionably for more or leſs ground ſo planted in lieu of all tithe of madder; for the recovery of which ſums the parſon, *&c.* ſhall have the uſual remedy.

XIX. *Sect.* 2. No madder ſhall be carried off the ground on which it grows, before the money directed to be taken in lieu of tithes, be paid to the perſon intitled.

XX. *Sect.* 3. This act ſhall not extend to charge any lands diſcharged by any *modus decimandi*, ancient compoſition, or other diſcharge of tithes by law.

XXI. *Sect.* 4. This act ſhall be in force for 14 years, and from thence to the end of the then next ſeſſion of parliament.

XXII. **Stat.** 31 *Geo.* 2. *cap.* 35. *ſect.* 5. If any perſon ſhall ſteal and take away, or wilfully and maliciouſly pull up or deſtroy any madder roots in any grounds belonging to any perſon, and be convicted before any juſtice of the peace of the county or place where the offence ſhall be committed, either by confeſſion or by the oath of any witneſs, every perſon ſo offending and convicted ſhall for the firſt offence pay to the owner of the madder roots ſo ſtolen, pulled up or deſtroyed, ſuch ſatisfaction for his damage and within ſuch time as the juſtice ſhall appoint; and ſhall over and above pay upon ſuch conviction unto the overſeers of the poor of the pariſh where the offence was committed for the uſe of the poor, ſuch ſum not exceeding 10 *s.* as to the juſtice ſhall ſeem meet; and if any ſuch offender ſhall not make ſuch recompence and pay ſuch ſum to the uſe of the poor; the juſtice ſhall commit ſuch offender to the houſe of correction for any ſpace not exceeding one month; or order him to be whipped by the conſtable or other officer, as to the juſtice ſhall ſeem meet; and if ſuch perſon again commit the like offence and be convicted, then he or ſhe ſo offending the ſecond time and convicted, ſhall be committed to the houſe of correction for three months.

XXIII. *Sect.* 6. No perſon ſhall be proſecuted for any ſuch offence of ſtealing, pulling up, or deſtroying of madder roots, unleſs ſuch proſecution be begun within 30 days after the offence.

Eaſt-India company.

LXXXVI. **Stat.** 3 *Geo.* 2. *cap.* 20. *ſect.* 22. The reduced annuity of 128,000 *l.* ſhall be transferred from the duties now charged, and be charged upon the aggregate fund, to be paid to the united company by like quarterly payments as their preſent annuity is; but ſubject to redemption by parliament as by any other act of this ſeſſion [Par. LXXV.] and ſubject to ſuch prior incumbrances as ſhall be made by parliament on the growing produce of the aggregate fund, before the taking place of ſuch reduction.

LXXXVII. **Stat.** 17 *Geo.* 2. *cap.* 17. The ſurplus of the duties on ſpirituous liquors and licences to retale them, impoſed by 16 *Geo.* 2. *cap.* 8. after ſatisfying the annuities charged thereon by 16 *Geo.* 2. *cap.* 13. ſhall be a fund for ſatisfying an annuity of 30,000 *l.* to be paid to the *Eaſt-India* company in reſpect of 1,000,000 *l.* advanced by them, to be paid quarterly until redemption by parliament. Deficiencies of any quarterly payment are to be ſupplied out of the ſinking fund, to be replaced out of the firſt ſupplies.

LXXXVIII. *Sect.* 8. The *India* company may borrow any ſum under their common ſeal, ſo as the total of the monies owing on the ſecurity of the ſaid ſeal do not exceed 1,000,000 above what might lawfully be borrowed before this act.

LXXXIX. *Sect.* 9, 10. On one year's notice by parliament after 25 *March* 1745. and repayment of 3,200,000 *l.* formerly advanced, and of 1,000,000 *l.* now advanced, and of all arrears of their former annuity of 128,000 *l.* and of the annuity of 30,000 *l.* now granted, the ſaid reſpective annuities ſhall ceaſe. And on re-payment of any ſum not leſs than 500,000 *l.* in part of the ſaid capital ſtock or debt, and of all arrears of their annuities, ſo much of the ſaid annuities as ſhall bear proportion to the monies ſo paid in part ſhall ceaſe.

XC. *Sect.* 11, 13, 14. Notwithſtanding ſuch redemption, the united company ſhall (ſubject to the proviſo of determination herein contained) enjoy the ſole trade to the *Eaſt-Indies* and all places between the *Cape of Good Hope* and the ſtreights of *Magellan*. Provided that upon three years notice by parliament after 25 *March* 1780. and repayment of the ſaid capital ſtock or debt of 4,200,000 *l.* and all arrears of annuity payable in reſpect thereof, the right of the company to the ſole trade to the *Eaſt-Indies*, *&c.* ſhall ceaſe. But after ſuch determination of the ſole trade, the ſaid company may carry on a free trade to the *Eaſt-Indies*, *&c.* with their joint ſtock in common with other ſubjects.

XCI. **Stat.** 27 *Geo.* 2. *cap.* 9. *ſect.* 1. If any perſon muſtered or in pay as an officer, or liſted, or in the *Eaſt-India* company's pay as a ſoldier, in any of their ſettlements, or in the iſland of *St. Helena*, ſhall in their principal ſettlements and in the ſaid iſland of *St. Helena*, and within ſuch time as ſuch officer or ſoldier ſhall have agreed to ſerve the ſaid company, begin, excite, cauſe or join in any mutiny in the company, troop or regiment whereto he belongs, or in any other company, *&c.* in the ſaid company's ſervice; or ſhall not uſe his utmoſt endeavours to ſuppreſs the ſame, or coming to the knowledge of any mutiny or intended mutiny, ſhall not without delay give information thereof to his commanding officer; or ſhall deſert the ſaid company's ſervice; or being a ſoldier liſted in any regiment, troop or company, ſhall liſt himſelf in any other regiment, *&c.* without a diſcharge in writing from the officer commanding in chief the regiment, *&c.* in which he laſt ſerved; or ſhall be found ſleeping upon his poſt, or ſhall leave it before relieved; or if any officer or ſoldier in the ſaid company's ſervice ſhall, either upon land or upon the ſea, hold correſpondence with any rebel to his Majeſty, or with any enemy of his Majeſty or of the ſaid company; or give them advice or intelligence either by letters, meſſages, ſigns or tokens, in any manner whatſoever; or ſhall treat with ſuch rebels or enemies, or enter into any condition with them without the licence of the ſaid company, or of their preſident and council at any of their ſaid principal ſettlements, or of the governor and council at *St. Helena*, or without the licence of the general, lieutenant general, or chief commander of their forces; or ſhall ſtrike or uſe any violence againſt his ſuperior officer in the execution of his office; or ſhall diſobey any lawful command of his ſuperior officer; every perſon ſo offending ſhall ſuffer death, or ſuch other puniſhment as by a court-martial ſhall be inflicted.

XCII. *Sect.* 2. His Majeſty may grant a commiſſion or warrant under his ſign manual, unto the court of directors of the ſaid company, who by virtue of ſuch commiſſion, ſhall have power under the ſeal of the ſaid company to authorize their preſident and council at their ſaid principal ſettlements reſpectively, or the major part of them, and their governor and council at the iſland of *St. Helena*, or the major part of them, from time to time to appoint courts-martial; and to authotize the commander in chief of any detachment of any of the officers or ſoldiers in the ſaid company's ſervice, to appoint courts-martial for the trial of any of the officers or ſoldiers under their reſpective commands; in which courts-martial all the offences above-mentioned, and all other offences herein after ſpecified, ſhall be tried in ſuch manner as by this act is directed.

XCIII. *Sect.* 3. When any of his Majeſty's forces ſhall be employed to act in defence of any of the ſaid company's ſettlements, or to aſſiſt againſt any of their enemies in the *Eaſt-Indies*, the power of appointing courts-martial or authorizing ſuch appointment,

appointment, ſhall be in the commander in chief of ſuch his Majeſty's forces over ſuch of the ſaid company's officers and ſoldiers, as ſhall belong to the principal ſettlement where, or from whence, ſuch forces ſhall be employed.

XCIV. *Sect.* 4. It ſhall be lawful for ſuch courts-martial by their ſentence, to inflict corporal puniſhment on any ſoldier for immoralities, miſbehaviour or neglect of duty.

XCV. *Sect.* 5. No general court-martial which ſhall have power to ſit by virtue of this act, or by any authority from the commander in chief of his Majeſty's forces, or by appointment of the preſident and council of any of the ſaid company's principal ſettlements, ſhall conſiſt of a leſs number than nine; whereof none to be under the degree of a commiſſion officer; and the preſident ſhall neither be the commander in chief or governor of the garriſon where the offender ſhall be tried, nor under the degree of a captain; and no general court-martial which ſhall have power to ſit by virtue of this act, by appointment from the governor and council of *St. Helena*, ſhall conſiſt of a leſs number than five, whereof none to be under the degree of a commiſſioned officer; and the preſident ſhall neither be the commander in chief or governor of the garriſon where the offender ſhall be tried, nor under the degree of a lieutenant; and ſuch courts-martial ſhall have power to adminiſter ſuch oaths, and to proceed in ſuch manner as his Majeſty ſhall think fit to order by any rules under his ſign manual; and no ſentence of death ſhall be given againſt any offender by any general court-martial, unleſs two thirds of the officers preſent concur therein; and no proceeding ſhall be had upon any offence, but between the hours of eight in the morning and three in the afternoon, except in caſes which require an immediate example.

XCVI. *Sect.* 6. Every judge advocate or perſon officiating as ſuch at any general court-martial, ſhall tranſmit with as much expedition as may be, the original proceedings and ſentence of ſuch court-martial to his Majeſty's commander in chief, in caſe ſuch court-martial be held by virtue of his warrant, or to the preſident and council of ſuch of the ſaid company's principal ſettlements by virtue of whoſe warrant the ſame is held; or unto the governor and council at *St. Helena* if the ſame be held within their juriſdiction; which original proceedings and ſentence ſhall be preſerved by ſuch commander in chief or preſident and council, or governor and council reſpectively, that the perſons intitled thereto may be enabled to obtain copies.

XCVII. *Sect.* 7. No officer or ſoldier being acquitted or convicted of any offence, ſhall be liable to be tried a ſecond time by the ſame or any other court-martial for the ſame offence; and no ſentence given by any court-martial, and ſigned by the preſident, ſhall be liable to be reviſed more than once.

XCVIII. *Sect.* 8. It ſhall be lawful for his Majeſty to eſtabliſh articles of war for the better government of the ſaid company's forces, and for bringing offenders to juſtice; and to conſtitute courts-martial with power to try any offences by ſuch articles of war, and inflict penalties as well within the ſaid company's limits of trade as in the iſland of *St. Helena.*

XCIX. *Sect.* 9. Provided that no perſon be adjudged to ſuffer any puniſhment extending to life or limb by the ſaid articles in time of peace, except for ſuch crimes as are expreſſed to be ſo puniſhable by this act.

C. *Sect.* 10. No perſon acquitted or convicted of any capital crimes by the civil magiſtrate, ſhall be liable to be puniſhed by a court-martial for the ſame, otherwiſe than by caſhiering.

CI. *Sect.* 11. If any officer, non-commiſſion officer or ſoldier, be accuſed of any capital crime, or of any offence againſt any of his Majeſty's ſubjects, which is puniſhable by the known laws of the land, the commanding officer of every regiment or party ſhall uſe his utmoſt endeavours to deliver over ſuch accuſed perſon to the civil magiſtrate, and ſhall be aſſiſting to the officers of juſtice in the apprehending ſuch offender to bring him to trial: and if any ſuch commanding officer wilfully neglect upon application to deliver over ſuch accuſed perſon to the civil magiſtrate, or to be aſſiſting to the officers of juſtice in apprehending ſuch offender, every ſuch officer ſo offending, being convicted before two juſtices of the peace for the ſettlement or place where the fact was committed by the oath of two witneſſes, ſhall be caſhiered, and ſhall be diſabled to hold any military office or employment in the ſaid company's

company's ſervice in the *Eaſt-Indies*; provided the ſaid conviction be affirmed at the next quarter-ſeſſions of the peace for the ſaid ſettlement or place; and a certificate thereof be tranſmitted to the preſident and council of ſuch principal ſettlement, who are to certify the ſame to the next court-martial.

CII. *Sect.* 12. The officers and perſons employed in any of the trains of artillery, ſhall be deemed within the meaning of this act.

CIII. *Sect.* 13. If any of the ſaid company's preſidents or council at their reſpective principal ſettlements, or their governor or council at the iſland of *St. Helena*, ſhall be guilty of oppreſſing any of his Majeſty's ſubjects beyond the ſeas within their reſpective juriſdictions, or of any other crime contrary to the laws of *England*, or in force within their reſpective juriſdictions, ſuch offences may be inquired of in the court of King's bench in *England*; or before ſuch commiſſioners and in ſuch county of *England*, as ſhall be aſſigned by his Majeſty's commiſſion and by good and lawful men of the ſame county; and ſuch puniſhment ſhall be inflicted as is uſual for offences of the like nature committed in *England*.

CIV. **Stat.** 1 *Geo.* 3. *cap.* 14. *ſect.* 1. His Majeſty may grant commiſſions or warrants under his ſign manual, unto the court of directors of the *Eaſt-India* company, who by ſuch commiſſion ſhall have power under the ſeal of the ſaid company to authorize their governor and council at their principal ſettlement of *Fort Marlborough*, or the major part of them, and their governor and council at any other principal ſettlement which they ſhall at any time hereafter have within the limits of trade granted to them, and wherein the holding of courts of judicature ſhall be authorized by any charter or letters patent hereafter granted, to appoint courts-martial; and to authorize the commander in chief of any detachment of officers or ſoldiers employed in their ſervice, to appoint courts-martial for the trial of any of the officers or ſoldiers under their reſpective commands; in which courts-martial all the offences mentioned in 27 *Geo.* 2. *cap.* 9. or in the articles of war made or to be made purſuant to the ſaid act, committed within the principal ſettlement of *Fort Marlborough*, or the diſtricts thereof, or within any ſuch other principal ſettlement, may be tried, and the ſentences paſſed upon offenders executed, in like manner as ſuch offences committed in any of the company's principal ſettlements in the ſaid act mentioned.

CV. *Sect.* 2. If any of the ſaid company's preſidents or council at their ſettlement of *Fort Marlborough*, or at any other principal ſettlement, wherein the company may be hereafter impowered to hold courts of judicature, ſhall be guilty of oppreſſing any of his Majeſty's ſubjects beyond the ſeas within their reſpective juriſdictions, or of any other crime contrary to the laws of *England*, or in force within their reſpective juriſdictions, ſuch offences may be heard and determined in the King's bench in *England*, or before ſuch commiſſioners and in ſuch county of *England*, as ſhall be aſſigned by his Majeſty's commiſſion, and by good and lawful men of the county; and ſuch puniſhment ſhall be inflicted as is uſual for offences of the like nature committed in *England*.

See **India goods.**

Evidence.

III. **Stat.** 27 *Geo.* 2. *cap.* 3. *ſect.* 3. When any poor perſon ſhall appear on recognizance in any court to give evidence againſt another accuſed of any grand or petit larceny or other felony, it ſhall be in the power of the court, at the prayer and on the oath of ſuch perſon and on conſideration of his circumſtances, to order the treaſurer of the county or place in which the offence was committed, to pay unto ſuch perſon ſuch ſum as to the court ſhall ſeem reaſonable, for his time, trouble and expence; which order the proper officer is to make out, and deliver to ſuch perſon, upon being paid 6 *d.* *Perſons appearing on their recognizance to give evidence in* Middleſex, *are excepted by the 4th ſect. of this act, which ſee in* **Priſons.**

Exchequer and exchequer-bills.

LXXXV. **Stat.** 16 *Geo.* 2. *cap.* 12. The ſum of 481,400 *l.* in exchequer bills made forth in purſuance of 12 *Geo.* 1. *cap.* 12. and remaining unſatisfied, together with 518,600 *l.* granted by this act, are charged on the duties on licences for ſelling ſpirituous liquors and ſtrong waters granted by 16 *Geo.* 2. *cap.* 8. The treaſury may raiſe the ſaid ſum of 518,600 *l.* by loans or exchequer bills at three *per cent. per ann.* intereſt, or by ſubſcriptions for annuities transferrable at the bank.

LXXXVI. **Stat.** 23 *Geo.* 2. *cap.* 26. *ſect.* 10. No officer of aſſiſe and *niſi prius*, or other perſon ſhall demand or take any greater or other fees upon records iſſuing out of the office of pleas of the court of exchequer at *Weſtminſter*, between party and party, than are taken upon records in cauſes of the like nature iſſuing out of the King's bench and common pleas.

LXXXVII. **Stat.** 33 *Geo.* 2. *cap.* 18. It ſhall be lawful for his Majeſty to authorize the commiſſioners of the treaſury at any time before the 5 *January* 1761. to direct loans to be taken at the exchequer, or exchequer bills to be made out for any ſum not exceeding one million; to be paid out of the next ſupplies, or if none be granted before 5 *July* 1761. out of the ſinking fund. The bank are impowered to advance the money notwithſtanding 5 & 6 *Will. & Mar. cap.* 20.

LXXXVIII. **Stat.** 33 *Geo.* 2. *cap.* 21. Out of the monies remaining in the exchequer of the ſurpluſſes compoſing the ſinking fund there ſhall be applied for making good the ſupply granted for the year 1760. a ſum not exceeding 2,602,706 *l.* 9 *s.* 9 *d.* The ſaid ſum may be raiſed by loans or exchequer bills. And the bank are impowered to advance the money.

LXXXIX. **Stat.** 33 *Geo.* 2. *cap.* 23. It ſhall be lawful for his Majeſty at any time before 5 *January* 1761. to authorize the treaſury to direct loans to be taken at the exchequer, or exchequer bills to be made out for any ſum not exceeding 1,500,000 *l.* to be paid out of the next ſupplies, or if none be granted before 5 *July* 1761. out of the ſinking fund. The bank are impowered to advance the money. Exchequer bills made out in purſuance of this act, to be iſſued to the treaſurer of the navy, and not to be current in the revenue till 26 *March* 1761.

XC. **Stat.** 1 *Geo.* 3. *cap.* 18. Out of the monies from time to time remaining in the exchequer of the ſurpluſſes compoſing the ſinking fund, there ſhall be applied for making good the ſupply granted for the year 1761. a ſum not exceeding 1,762,400 *l.* And the ſum of 88,667 *l.* remaining in the exchequer (part of the ſum of 90,000 *l.* granted in 1759. on account of the militia) ſhall be applied toward the ſaid ſupply. The ſaid ſum of 1,762,400 *l.* may be raiſed by loans or exchequer bills. And the bank are impowered to advance the money.

XCI. **Stat.** 1 *Geo.* 3. *cap.* 20. It ſhall be lawful for his Majeſty to authorize the treaſury at any time before 5 *January* 1762. to direct loans to be taken, or exchequer bills to be made out, for any ſum not exceeding 1,500,000 *l.* to be applied 1000,000 *l.* towards paying off the debt of the navy, and 500,000 *l.* towards naval ſervices for the year 1761. No ſuch exchequer bills after being iſſued to the treaſurer of the navy to be current in the revenue till 26 *March* 1762. The principal and intereſt and charges to be paid out of the next ſupplies, or if none be granted before 5 *July* 1762. out of the ſinking fund. The bank are impowered to advance the money.

CXXXVI. **Stat.** 23 *Geo.* 2. *cap.* 26. *ſect.* 12. The office of exciſe in all places where it ſhall be appointed, ſhall be kept open from eight in the morning, till two in the afternoon, and no longer.

CXXXVII. **Stat.** 32 *Geo.* 2. *cap.* 17. *ſect.* 1. Where the commiſſioners of exciſe and juſtices of peace have reſpectively iſſued out any ſummons for the appearance of perſons offending againſt, or for forfeitures incurred by, the laws of exciſe, or other laws for collecting and ſecuring the duties under the management of the commiſſioners of exciſe, which hath been left at the houſe or uſual place of reſidence, or with the wife, child, or menial ſervant of ſuch perſons, every ſuch ſummons ſo left ſhall be a ſufficient ſummons, and as effectual a notice as if the ſame had been delivered to the proper hands of ſuch perſons to whom the ſame was by name directed.

CXXXVIII. *Sect.* 2. In all caſes relating to the exciſe, or to any duties under the management of the commiſſioners of exciſe (except where particular directions are or ſhall be enacted for ſummoning offenders, or condemning ſeizures) the leaving ſuch ſummons at the houſe, workhouſe, warehouſe, ſhop, cellar, vault, or uſual place of reſidence of ſuch perſon, directed to ſuch perſon by his right or aſſumed name, ſhall be as effectual a notice and ſummons as if the ſame was perſonally delivered into the hands of the party for whom the ſame ſhall be deſigned, and as if the ſame was directed to the party for whom the ſame ſhall be deſigned, by his proper name.

CXXXIX. **Stat.** 33 *Geo.* 2. *cap.* 9. *ſect.* 16. It ſhall be lawful for the officers of exciſe, and they are required to ſeize all ſuch ſhips or veſſels as are forfeited for any of the reaſons contained in 8 *Geo.* 1. *cap.* 18. 12 *Geo.* 1. *cap.* 28. **Cuſtoms**, and 11 *Geo.* 1. *cap.* 30. **Exciſe**, in like manner as the officers of the cuſtoms may now do. Which ſhips, *&c.* ſo ſeized by the officers of exciſe ſhall be proceeded againſt and condemned by ſuch methods as now are uſed on the part of his Majeſty and the officers of the cuſtoms; and after condemnation, be deſtroyed or uſed, and the tackle diſpoſed of under the direction of the commiſſioners of exciſe and their officers, as is directed with reſpect to the commiſſioners of the cuſtoms and their officers.

CXL. **Stat.** 1 *Geo.* 3. *cap.* 7. *ſect.* 1. After the 24th of *January* 1761. there ſhall be throughout *Great Britain* paid unto his Majeſty by way of exciſe, over and above all other duties by former acts impoſed, an additional duty upon all beer and ale; *viz.* for every barrel of beer or ale above 6*s.* the barrel (excluſive of the exciſe) brewed by the common brewer, or any perſon who ſells beer or ale publicly or privately (to be paid by the brewer or ſuch perſon) 3*s.* and ſo proportionably for a greater or leſſer quantity.

CXLI. *Sect.* 2. For the barrel of two-penny ale deſcribed in the ſeventh article of the treaty of union, there ſhall be only paid by virtue of this act, ſuch a proportional part of 3*s.* as 2*s.* bears to 4*s.* 9*d.*

CXLII. *Sect.* 3. All the powers, rules, penalties and things, which by 12 *Car.* 2. *cap.* 24. or any other law relating to the exciſe upon liquors are provided, ſhall be exerciſed for raiſing the duties and penalties hereby granted, and for preventing and puniſhing frauds relating thereto.

CXLIII. *Sect.* 4. All beer and ale brewed before the commencement of this act, which at any time after ſhall be broke into or mixed with any freſh guile or brewing of beer or ale, ſhall be liable to the additional duty impoſed by this act.

CXLIV. *Sect.* 5. It ſhall be lawful for any perſon in any ſea port or upon any navigable river, to export as merchandize, within any of the allowed ports and at the common quays or quays to be appointed for that purpoſe, and within the uſual hours of exciſe, in the preſence of a ſworn gauger, or other officer appointed by the farmers, commiſſioners or ſub-commiſſioners of exciſe, upon notice to them given at the office of exciſe within the limits whereof the beer was brewed, of the place

where the ſame ſhall be ſhipped, any ſort of ſtrong beer or ale to be ſpent beyond the ſeas; which officer ſhall certify the quantity ſhipped to the commiſſioners and officers of exciſe where the entry ſhall be made, who are after proof that the duties have been charged or paid, and that the beer was brewed after the 24th of *January* 1761. to make an allowance of 8*s.* for every barrel on all ſtrong beer or ale brewed or made after the 24th of *January* 1761. and ſo exported, unto the brewer, within one month after exportation, deducting 3*d. per* ton for charges of officers; which allowance is to be in full for all drawbacks.

CXLV. *Sect.* 6. Whereas by 1 *W. & M. ſtat.* 1. *cap.* 12. an allowance of 2*s.* 6*d. per* quarter is to be paid to the exporter of barley or malt, when the ſame is ſold at 24*s. per* quarter, or under, and the exportation of beer made from malted corn only whereon the malt duties have been paid, will tend to the encouragement of tillage and manufacture, for every barrel of ſtrong beer or ale, proved to have been brewed after the 24th of *January* 1761. from malted corn, and whereupon the duties for ſtrong beer or ale ſhall be proved to have been charged or paid, there ſhall be paid to the exporter by the commiſſioners of exciſe, or proper officer belonging to them, when barley is at 24*s. per* quarter, or under, upon producing from the gauger or officer of exciſe, who ſaw the beer ſhipped, a certificate of the quantity ſhipped, out of the duties granted by this act, 1*s.* for every barrel ſo exported.

CXLVI. *Sect.* 7. That the exciſe may not be prejudiced for ſtrong beer or ale ſpent on ſhip-board, the commiſſioners and officers of the cuſtoms ſhall charge every maſter of any ſhip in his victualling bill with ſo much ſtrong beer or ale, as ſuch number of men uſed to ſpend in ſuch voyages.

CXLVII. *Sect.* 8. All the regulations and things, which by 33 *Geo.* 2. *cap.* 9. were provided for allowing the drawback and bounty thereby granted upon ſpirits exported as merchandize, and for preventing and puniſhing frauds, not otherwiſe altered by this act, ſhall except ſuch parts as relate to the ſize of the caſks and burden of the ſhips be exerciſed for paying the drawback and bounty hereby granted upon beer and ale, and for preventing and puniſhing frauds. *Repealed* 2 *Geo.* 3. *cap.* 14.

CXLVIII. *Sect.* 9. All fines and forfeitures herein impoſed, ſhall be recovered or mitigated as by any law of exciſe (not otherwiſe directed by this act) or by action of debt, *&c.* in any court of record at *Weſtminſter*, or in the exchequer in *Scotland*; one moiety to his Majeſty, and the other moiety to him who ſhall inform or ſue.

CXLIX. *Sect.* 10. The officers employed in levying the duties by this act granted, ſhall diſtinguiſh in their accounts, the amount of the monies ariſing by ſuch duties, and pay the ſame into the exchequer ſeparately from all monies to ariſe by any other duties upon beer and ale; and in the office of the auditor books ſhall be kept in which all the monies ariſing by this act ſhall be entered apart from all other monies.

CL. *Sect.* 11. The annuities by this act directed to attend the principal ſum of twelve millions, ſhall be charged upon the duties by this act granted upon beer and ale.

CLI. *Sect. ult.* If any perſon be ſued for any thing done in purſuance of this act, he may plead the general iſſue; and if a verdict paſs for the defendant, *&c.* he ſhall have treble coſts.

False tokens.

IV. **Stat.** 30 *Geo.* 2. *cap.* 24. *ſect.* 1. All perſons who knowingly and deſignedly by falſe pretence ſhall obtain from any perſon money or goods, with intent to defraud any perſon of the ſame, or ſhall knowingly ſend or deliver any letter or writing, with or without a name ſubſcribed thereto, or ſigned with a fictitious name, letter or letters, threatening to accuſe any perſon of any crime puniſhable by law with death, tranſportation, pillory, or any other infamous puniſhment, with intent to gain money or goods from the perſon ſo threatened to be accuſed, ſhall be deemed offenders againſt law and the public peace; and the court before whom ſuch offender ſhall be tried,

tried, ſhall in caſe he be convicted order ſuch offender to be fined and impriſoned, or to be put in the pillory or publicly whipped, or to be tranſported as ſoon as may be (according to the laws for tranſportation of felons) to ſome of his Majeſty's plantations in *America* for ſeven years, as the court ſhall think fit.

V. *Sect.* 2 Any juſtice of peace, before whom any perſon charged on oath with having committed any of the offences intended by this act to be puniſhed ſhall be brought, ſhall examine by oath and ſuch other lawful means as to ſuch juſtice ſhall ſeem meet, touching the matters complained of, and deal with the offender according to law; and if the party charged be committed to priſon or admitted to bail, to anſwer the matters complained of at the next general or quarter ſeſſions of the peace, or next ſeſſions of *oyer* and *terminer* for the county, *&c.* wherein the offence is charged, then ſuch juſtice ſhall bind over the proſecutor to appear at the next general or quarter ſeſſions of the peace, or next ſeſſions of *oyer* and *terminer* for the county or place, by recognizance, in ſuch ſum as to juſtice ſhall ſeem requiſite, to proſecute ſuch offender with effect; and if any money or goods fraudulently obtained appear to ſuch juſtice to exceed the value of 20 *l.* then the recognizance taken from the proſecutor ſhall be in not leſs than double the value.

Felony and felons.

The 9 Geo. 1. cap. 22. *and* 10 Geo. 2. cap. 32. *are made perpetual by* 31 Geo. 1. cap. 42. ſect. 5.

LXXXI. **Stat.** 16 *Geo.* 2. *cap.* 15. *ſect.* 1. If any felon or other offender ordered for tranſportation, or who ſhall agree to tranſport himſelf to any of his Majeſty's colonies in *America*, either for life or any number of years, ſhall be afterwards at large within *Great Britain* without ſome lawful cauſe before the expiration of the term for which he or ſhe were ſo ordered to be tranſported, or had ſo agreed to tranſport him or herſelf, every ſuch perſon being convicted ſhall ſuffer death.

LXXXII. *Sect.* 2. Every ſuch offender ſhall be tried before ſuch judges, and in ſuch manner, and the ſame evidence made uſe of for his conviction, as is directed by the 6 *Geo.* 1. *cap.* 23.

LXXXIII. *Sect.* 3. Whoever ſhall diſcover and proſecute to conviction of felony without benefit of clergy, any ſuch offender ſo found at large within *Great Britain*, ſhall be intitled to a reward of 20 *l.* for every ſuch offender ſo convicted, and ſhall have the like certificate and like payments without fee as any perſon may be intitled unto for the apprehending and convicting of highwaymen.

LXXXIV. **Stat.** 25 *Geo.* 2. *cap.* 10. *ſect.* 1. Every perſon that ſhall unlawfully break or by force enter into any mine, wad-hole of wad, or black cawke called *black lead*, or into any pit, ſhaft, adit, or vein of wad, black cawke or black lead, with intent to take away from thence any wad, black cawke or black lead; or ſhall unlawfully from thence take away any wad, black cawke, or black lead, although ſuch mine, *&c.* be not actually broke or by force entered into by ſuch offender; or ſhall aid, abet, aſſiſt, hire or command any perſon to commit ſuch offence, ſhall be deemed guilty of felony: and it ſhall be lawful for the court or judge, before whom ſuch offender ſhall be convicted, to order him to be committed to the priſon appointed for criminals, or to ſome houſe of correction within the ſame county, for a time not exceeding one year, there to be kept to hard labour and to be publicly whipt by the common hangman, or by the maſter of ſuch houſe of correction at ſuch times and places and in ſuch manner as ſuch court or judge ſhall think proper; or it ſhall be lawful for ſuch court or judge, or any other ſubſequent court held at the ſame place with the like authority, to order ſuch offender to be tranſported to ſome of his Majeſty's plantations beyond the ſeas for a term not exceeding ſeven years; and thereupon judgment ſhall be given that the perſon ſo convicted ſhall be committed and whipt or tranſported accordingly; and if tranſportation be directed, the ſame ſhall be executed as is provided by law for the tranſportation of felons; and if any ſuch perſon ſo committed or tranſported voluntarily eſcape or break priſon or return from tranſportation

tation before the expiration of the time, being convicted he ſhall ſuffer death as a felon without benefit of clergy, and ſhall be tried for ſuch felony in the county where he ſo eſcaped or ſhall be apprehended.

LXXXV. *Sect.* 2. If any perſon convicted or attainted of any of the offences aforeſaid, voluntarily eſcape, break priſon or return from tranſportation, and be apprehended in any other county or city different from that wherein the offence was committed, the clerk of the aſſize or clerk of the peace for the county, *&c.* where ſuch conviction or attainder was had, ſhall at the requeſt of the proſecutor or of any other on his Majeſty's behalf, certify the ſame by a tranſcript in few words containing the effect of ſuch conviction or attainder; for which certificate 2 *s.* 6 *d.* and no more ſhall be paid; and ſuch certificate being produced in court ſhall be ſufficient proof of ſuch former conviction or attainder.

LXXXVI. *Sect.* 3. Every perſon who ſhall buy or receive any wad or black cawke, called *black lead*, knowing the ſame to be ſo unlawfully taken, ſhall be deemed guilty of felony, and being convicted ſhall be ſubject to all the pains and penalties which any perſon may by law be ſubject to, for buying or receiving any goods felonioufly ſtolen knowing the ſame to have been ſtolen.

LXXXVII. **Stat.** 25 *Geo.* 2. *cap.* 36. *ſect.* 11. It ſhall be in the power of the court before whom any perſon has been convicted of any grand or petit larceny, or other felony, on the prayer of the proſecutor, and on conſideration of his circumſtances, to order the treaſurer of the county in which the offence ſhall have been committed, to pay unto ſuch proſecutor ſuch ſum as to the ſaid court ſhall ſeem reaſonable, not exceeding the expences which it ſhall appear the proſecutor was put unto in carrying on ſuch proſecution, making him a reaſonable allowance for his time and trouble therein: which order the clerk of aſſize or clerk of the peace reſpectively is to make out and deliver unto ſuch proſecutor upon being paid for the ſame 1 *s.* And the treaſurer of the county is upon ſight of ſuch order to pay to ſuch proſecutor or other perſon authorized to receive the ſame ſuch ſum, and ſhall be allowed the ſame in his accounts.

LXXXVIII. **Stat.** 27 *Geo.* 2. *cap.* 15. If any perſon ſhall knowingly ſend any letter without any name ſubſcribed or ſigned with a fictitious name or letter, threatening to kill or murder any of his Majeſty's ſubjects, or to burn their houſes, outhouſes, barns, ſtacks of corn or grain, hay or ſtraw, though no money or veniſon or other valuable thing be demanded by ſuch letter, or ſhall forcibly reſcue any perſon being lawfully in cuſtody for the ſaid offence, every perſon ſo offending being convicted ſhall be adjudged guilty of felony, and ſhall ſuffer death without benefit of clergy.

LXXXIX. **Stat.** 29 *Geo.* 2. *cap.* 30. *ſect.* 1. Every perſon who ſhall buy or receive any lead, iron, copper, braſs, bell-metal or ſolder, knowing the ſame to be ſtolen or unlawfully come by, or ſhall privately buy or receive any ſtolen lead, *&c.* by ſuffering any door, window or ſhutter to be left open between ſun-ſetting and ſun-riſing for that purpoſe, or ſhall buy or receive the ſame at any time in any clandeſtine manner, ſhall being convicted, although the principal felon has not been convicted of ſtealing the ſame, be tranſported for 14 years to any of his Majeſty's colonies in *America*, according to the laws for the tranſportation of felons.

XC. *Sect.* 2. It ſhall be lawful for any juſtice of peace, upon complaint upon oath that there is cauſe to ſuſpect ſtolen lead, iron, copper, braſs, bell-metal or ſolder, is concealed in any dwelling-houſe or other place, by warrant under his hand and ſeal, to cauſe every ſuch dwelling-houſe and place to be ſearched in the day-time; and if any lead, *&c.* ſuſpected to be ſtolen be found therein, to cauſe the ſame and the perſon in whoſe houſe or other place the ſame is found, to be brought before any two juſtices of peace for the ſame county or place; and if the ſaid perſon ſhall not give an account to the ſatisfaction of ſuch juſtices how he came by the ſame, or ſhall not within ſome time to be ſet by the juſtices produce the party from whom he received ſuch ſtolen lead, *&c.* the ſaid perſon ſo offending ſhall be adjudged guilty of a miſdemeanor.

XCI. *Sect.*

XCI. *Sect.* 3. Every conſtable, headborough or tithingman, in every county, *&c.* where they ſhall be officers, and every beadle within his diſtrict, and every watchman during ſuch time only as he is on his duty, ſhall apprehend every perſon ſuſpected of having or carrying after ſun-ſetting and before ſun-riſing any lead, *&c.* ſuſpected to be ſtolen, and the ſame together with ſuch perſon as ſoon as may be carry before any two juſtices of peace for the county or place; and if the perſon ſo apprehended conveying any ſuch lead, *&c.* ſhall not produce the party from whom he received the ſame, or ſome other witneſs to depoſe upon oath the ſale or delivery of the ſaid lead, *&c.* or ſhall not give an account to the ſatisfaction of ſuch juſtices how he came by the ſame, the perſon ſo apprehended ſhall be adjudged guilty of a miſdemeanor.

XCII. *Sect.* 4. Where any perſon ſhall be convicted of either of the miſdemeanors aforeſaid, it ſhall be lawful for any two ſuch juſtices to cauſe ſuch lead, *&c.* to be depoſited in the hands of the churchwardens or overſeers of the poor of the place where ſuch lead, *&c.* were found, or in any other place for any time not exceeding 30 days, and to order the ſaid churchwardens and overſeers or one of them in all the pariſhes within the bills of mortality, to inſert an advertiſement in ſome public paper, and in every other pariſh or place to cauſe notice to be given by ſome public cryer, and by fixing on the church or chapel door notice deſcribing ſuch lead, *&c.* and where the ſame ſhall be ſo depoſited, that perſons having loſt ſuch lead, *&c.* may come and claim the ſame, or any perſon on their behalf; and in caſe any perſon can prove their property to the ſaid lead, *&c.* upon oath to the ſatisfaction of ſuch juſtices, ſuch juſtices ſhall order reſtitution of ſuch lead, *&c.* to the owner, after paying the charges of removing, depoſiting, and giving public notice; and if at the end of the ſaid 30 days no perſon ſhall come and prove his property, nor any perſon on his behalf, to ſuch lead, *&c.* the ſame to be ſold for the beſt price; and after deducting the charges, one moiety of the money to be given to the perſon apprehending the party guilty of either of the miſdemeanors afore-mentioned, and the other moiety to the poor of the pariſh where ſuch offence is committed (if it is known where) or elſe where ſuch convictions ſhall be.

XCIII. *Sect.* 5. Every perſon to whom any lead, iron, copper, braſs, bell-metal or ſolder ſhall be offered to be ſold, pawned or delivered, ſhall (there being cauſe to ſuſpect that ſuch lead, *&c.* was ſtolen or unlawfully come by) apprehend and carry before a juſtice of peace for the county or place where the ſame ſhall be ſo offered, the perſon ſo offering the ſame together with ſuch lead, *&c.* and ſuch perſon ſo apprehended ſhall be dealt with, and ſuch lead, *&c.* depoſited and diſpoſed of, as if he had been apprehended by the conſtable, *&c.* as aforeſaid; and if it appear upon the oath of any perſon notwithſtanding ſuch perſon was concerned in ſtealing the ſame, if corroborated with other circumſtances to the ſatisfaction of two juſtices for the county, *&c.* where the ſame is ſo offered as aforeſaid, that there was cauſe to ſuſpect ſuch lead, *&c.* was ſtolen or unlawfully come by, and that the perſon to whom ſuch lead, *&c.* was ſo offered, did not (having it in his power ſo to do) apprehend and carry before a juſtice the perſon who ſo offered the ſame, then the perſon to whom ſuch lead, *&c.* was ſo offered ſhall be adjudged guilty of a miſdemeanor.

XCIV. *Sect.* 6. Every perſon adjudged guilty of a miſdemeanor, in having in his poſſeſſion any lead, iron, copper, braſs, bell-metal or ſolder, ſuſpected to be ſtolen or unlawfully come by, and not producing the party of whom he received the ſame, nor giving a ſatisfactory account how he came by the ſame, or in having, carrying or conveying lead, *&c.* ſuſpected to be ſtolen or unlawfully come by, and not producing the party from whom he received the ſame, nor any witneſs to depoſe upon oath the ſale or delivery thereof, nor giving a ſatisfactory account how he came by the ſame, ſhall for every ſuch miſdemeanor forfeit for the firſt offence 40 *s.* and for the ſecond offence 4 *l.* and for every ſubſequent offence 6 *l.* and every perſon adjudged guilty of the miſdemeanor of neglecting to apprehend and carry before a juſtice of peace the perſon (having it in his power ſo to do) who offered to ſell, pawn or deliver any lead, *&c.* ſuſpected to be ſtolen or unlawfully come by, ſhall forfeit for the firſt offence 20 *s.* and for the ſecond offence 40 *s.* and for every ſubſequent offence 4 *l.* all which forfeitures ſhall be levied by diſtreſs and ſale of the goods of ſuch offender,

offender, by warrant of any two juſtices of peace before whom ſuch offender was adjudged guilty; which forfeiture ſhall be paid one moiety to the informer, and the other moiety to the overſeers of the poor, for the uſe of the poor of the pariſh or place where ſuch offence was committed, (if it is known where) or elſe where ſuch conviction ſhall be; and if no ſufficient diſtreſs be found, the juſtices ſhall commit ſuch offender to the common gaol or other priſon or houſe of correction within their juriſdiction, for one month for the firſt offence, and for the ſecond offence for two months, and for every ſubſequent offence until ſuch offender ſhall be diſcharged by order of the general or quarter ſeſſions.

XCV. *Sect.* 7. Every conviction of any offender in any of the ſaid miſdemeanors ſhall be certified by two of the juſtices of peace making the ſame, to the next general or quarter ſeſſions of the peace, to be filed amongſt the records of the ſaid ſeſſions; and ſuch conviction ſhall be drawn up on parchment, and certified in the following words, or to the like effect, *viz.*

Middleſex, to wit, *BE it remembered, that on the day of in the year* A. B. *was convicted before us of the juſtices of the peace for the county*, city, riding, diviſion, liberty or place aforeſaid, (as the caſe ſhall be) *of a miſdemeanor in having in his*, her, or their *poſſeſſion*, lead, iron, copper, braſs, bell-metal or ſolder, *ſuſpected to be ſtolen or unlawfully come by, and not producing the party or parties of whom he*, ſhe or they *bought or received the ſame, nor giving a ſatisfactory account how he*, ſhe or they *came by the ſame*; or *in having*, carrying or conveying of lead, iron, copper, braſs, bell-metal or ſolder, *ſuſpected to be ſtolen or unlawfully come by, and not producing the party or parties from whom he*, ſhe or they *bought or received the ſame, nor any credible witneſs to depoſe upon oath the ſale or delivery thereof*, or *not giving a ſatisfactory account how he*, ſhe or they *came by the ſame*, or *of neglecting to apprehend and ſecure the perſon or perſons who brought and offered to pawn*, ſell or deliver *lead*, iron, copper, braſs, bell-metal or ſolder, *ſuſpected to be ſtolen or unlawfully come by* (as the caſe ſhall be.)

Given under our hands and ſeals the day and year aforeſaid.

Which conviction in the ſame or the like form ſhall be good in law, and ſhall not be ſet aſide for want of any other form or words, nor liable to be removed by *certiorari* into the king's bench, but ſhall be final.

XCVI. *Sect.* 8. If any perſon being out of priſon, ſhall commit any felony by ſtealing any lead, iron, copper, braſs, bell-metal or ſolder, and afterwards diſcover two or more perſons who ſhall buy or receive any ſtolen lead, *&c.* knowing the ſame to be ſtolen, ſo as two or more of the perſons diſcovered ſhall be convicted of ſuch buying or receiving; he or ſhe ſo diſcovering ſhall be intitled to his Majeſty's pardon for all ſuch felonies by him or her committed at any time before ſuch diſcovery; which pardon ſhall be a bar to any appeal brought for ſuch felony.

XCVII. *Sect.* 9. If any perſon ſhall be concerned in the ſtealing any lead, *&c.* and ſhall afterwards being out of priſon diſcover any perſon to whom he ſhall have offered to ſell, pawn or deliver any ſtolen lead, *&c.* ſo as ſuch perſon be convicted of the miſdemeanor of not apprehending and carrying him before a juſtice, then the perſon making ſuch diſcovery ſhall not be liable to be proſecuted for ſtealing the lead, *&c.* ſo offered as aforeſaid.

XCVIII. *Sect.* 10. If any action ſhall be brought for any thing done in purſuance of this act concerning the ſaid offences, the ſame ſhall be commenced within ſix months after ſuch cauſe of action has accrued; and the defendant may plead the general iſſue; and if a verdict be given for the defendant, *&c.* the defendant ſhall have treble coſts.

XCIX. *Sect.* 11. Nothing herein ſhall extend to repeal any former law now in being for the puniſhment of ſuch offenders; provided ſuch offender after having been puniſhed by this act ſhall not for the ſame offence be afterwards puniſhed by any ſuch former law.

By 11 Geo. 2. cap. 34. 14 Geo. 2. cap. 24. *and* 21 Geo. 2. cap. 18. *the ſecond offence in ſetting fire to engines for draining the ſeveral fens to which thoſe acts relate,*

relate, is made felony without clergy. By 22 Geo. 2. cap. 11. cap. 16. cap. 19. 29 Geo. 2. cap. 22. 30 Geo. 2. cap. 32. cap. 33. cap. 35. cap 36. 31 Geo. 2. cap. 18. cap. 19. 32 Geo. 2. cap. 13. *and* 33 Geo. 2. cap. 32. *perſons convicted of maliciouſly ſetting fire to any of the works for draining the ſeveral fens to which thoſe acts relate, may be tranſported as felons for ſeven years.*

See alſo **Clergy, Cuſtoms, Foreign States, Forgery, Murder.**

Fens and marſhes.

CXLIX. **Stat.** 14 *Geo.* 2. *cap.* 24. For draining *Waterbeach-level* in *Cambridgeſhire*, containing about 4,500 acres.

CL. **Stat.** 21 *Geo.* 2. *cap.* 18. For draining fen lands in the pariſhes of *Maney*, *Upwell*, *Welney*, *Downham*, *Witcham*, and an extraparochial place in *Byal-fen* in the *Iſle of Ely* and county of *Cambridge*, containing about 6,700 acres.

CLI. **Stat.** 22 *Geo.* 2. *cap.* 11. For draining fen lands in the pariſhes of *Sutton*, *Mepal*, *Witcham*, *Chatteris*, *Doddington*, and a place called *Byal-fen*, in the *Iſle of Ely* and county of *Cambridge*, and in the pariſhes of *Somerſham* and *Pidley* with *Fenton* in the county of *Huntington*, containing about 9,000 acres.

CLII. **Stat.** 22 *Geo.* 2. *cap.* 16. For draining fen lands in the manors and pariſhes of *Upwell* and *Outwell*, and the pariſhes of *Denver* and *Welney* in the *Iſle of Ely* and counties of *Cambridge* and *Norfolk*, containing about 11,000 acres.

CLIII. **Stat.** 22 *Geo.* 2. *cap.* 19. For draining ſeveral fen lands and field lands, in the bounds and precincts of *Whittleſey* in the *Iſle of Ely* in the county of *Cambridge*, containing about 9,750 acres.

CLIV. **Stat.** 27 *Geo.* 2. *cap.* 19. Whereas the ſurveyors appointed by 20 *Car.* 2. *cap.* 8. for ſetting out 83,000 acres in *Bedford-level* into different ſorts, valued and ſet out the ſaid 83,000 acres into eleven different ſorts, to be rated and taxed as follows, *viz.* for a ſingle tax 4 *d. per* acre on the firſt ſort, 8 *d. per* acre on the ſecond ſort, and ſo increaſing 4 *d.* upon every ſort, the eleventh ſort to be taxed at 3 *s.* 8 *d.* and the ſaid 83,000 acres have always ſince been rated accordingly, called a tax of 4 *d.* on the firſt ſort of land and increaſing on the ten other ſorts, a ſingle tax; 5 *d.* a tax and a quarter, 6 *d.* a tax and a half, 7 *d.* a tax and three quarters, and 8 *d.* a double tax; and at a court of the governor, bailiffs and commonalty of the company of conſervators of the great level of the fens held the 10th of *March* 1697. the great level was diſtinguiſhed by the names of the *North-level*, *Middle-level* and *South-level*; and that part of the 95,000 acres which lay between the north ſide of *Moreton's Leame* and the ſouth ſide of *Welland-river*, was accounted that part of the 95,000 acres lying within the *North-level*: and the corporation is now indebted as follows, *viz.* in the ſum of 14,300 *l.* contracted before the year 1728. for the whole of the great level, the ſum of 18,913 *l.* 11 *s.* 9 *d.* contracted ſince the year 1728. for the *North level*, and the ſum of 15,940 *l.* contracted ſince the year 1728. for the *Middle* and *South-levels*, amounting together to 49,153 *l.* 11 *s.* 9 *d.* And whereas the lands called *Portſand*, otherwiſe *Great Portſand*, parcel of the demeſnes belonging to the manor of *Crowland* in *South Holland* in the county of *Lincoln*, are ſubject to be flooded, and adjoin to the *North-level* on the north part thereof, and lie convenient to be drained therewith, and the owners of the ſaid manor of *Crowland* and lands called *Portſand*, and the owners of the greateſt part of the lands within the ſaid *North-level* are deſirous that a ſum ſhall be raiſed by a tax upon all the ſaid lands, provided the ſaid *North-level* be diſcharged from the debts of the ſaid corporation, and all the taxes ariſing out of the ſaid *North-level* be applied under the direction of the ſaid corporation for the benefit of the ſaid *North-level* only; and whereas the taxes ariſing out of the ſaid *North-level*, are about one eighth part of the taxes ariſing out of the whole of the *Great-level* of the

fens, and therefore the ſaid *North-level* is ſubject to pay one eighth part of the ſaid debt of 14,300 *l.* and it has been propoſed that ſo much of the taxes on the *North-level* as will raiſe a ſum for payment thereof ſhould be ſold, and the Duke of *Bedford* and Earl of *Lincoln* have conſented to diſcharge the corporation of the debt of 18,913 *l.* 11 *s.* 9 *d.* on condition that the taxes of the *Middle* and *South-levels* be only chargeable with the reſidue of the debt of 14,300 *l.* contracted before 1728. and with the debt of 15,940 *l.* contracted on account of the ſaid *Middle* and *South-levels* ſince the year 1728. and that the *North-level* be diſcharged from all the debts of the corporation, it is enacted, that the corporation of conſervators of *Bedford-level* be diſcharged of the debt of 18,913 *l.* 11 *s.* 9 *d.* due to *John* Duke of *Bedford* and *Henry* earl of *Lincoln*; and the indenture of 29 *May* 1728. is declared void. The executors of Sir *Charles Orby* and *Thomas Orby Hunter* are diſcharged from payment of the annual ſum of 100 *l.* to the company, and from all covenants in the articles of 10 *July* 1697. Proprietors of taxable lands within the *North-level* may purchaſe off ſo much of the taxes chargeable thereon by the acts of 15 & 20 *Car.* 2. as will raiſe the ſum of 1,800 *l.* (being the proportion of the *North-level* in the debts of the corporation, contracted before 1728.) and enter ſubſcriptions for the ſame before 24 *June* 1754. payments to be made by 29 *Sept.* 1754. and to be applied in diſcharging the debt: company to execute releaſes of the taxes to the purchaſers. The taxes chargeable by the 15 & 20 *Car.* 2. to be continued on the reſidue of the lands within the *North-level*, and to be applied to the works of the level deſcribed in the act. The lands of the *North-level* diſcharged from the reſidue of the debt of 14,300 *l.* and from the debt of 15,940 *l.* and all other debts now owing. The *North-level* not liable to debts on account of the *Middle* and *South-levels*, nor they to be ſubject to debts on account of the *North-level*. Members for lands in the *North-level*, not to vote concerning borrowing money for the *Middle* and *South-levels*. The lands to be drained to be divided into five diſtricts. Commiſſioners appointed for the ſeveral diſtricts. Commiſſioners to have a yearly general meeting to make a rate for draining upon all lands not excepted in the act, for the firſt four years at 1 *s.* *per* acre, afterwards not to exceed 6 *d.* *per* acre in any year; to be paid half-yearly. The dam to be made in the *Old Wryde* drain not to be afterwards removed. The counter drain from the *Severals* to be cleanſed at the proprietors charge. If *Dunton-hall bridge* be taken down or altered, the commiſſioners to build another. Beſides the rate for general works of draining, the commiſſioners of the fourth diſtrict may make another rate not exceeding 2 *s.* *per* acre for the firſt two years, and 1 *s.* *per* acre after. The commiſſioners of the firſt and ſecond diſtricts may alſo make a like rate not exceeding 1 *s.* *per* acre. Differences concerning damages to be ſettled by the quarter-ſeſſions. The Duke of *Bedford* to cleanſe and ſupport the drains and other works in the third diſtrict. *Thomas Orby Hunter* to cleanſe and ſupport the drains and other works in the fifth diſtrict. *Beverly Butler*, Eſq; may erect a mill for draining the waters from the ground belonging to him. Tenants to pay the rates, and ſuch as are at rack-rent may deduct the ſame. If the lands ſhall be untenanted and no diſtreſs can be had, the lands to remain as a ſecurity for the rates. 14,000 *l.* may be raiſed by annuities to anſwer the immediate expences of draining. Annuities for 30 years not to exceed 6 *l.* and for a ſingle life 7 *l.* *per cent.* to be charged on the rates; commiſſioners may borrow money at 5 *l.* *per cent.* When the annuities ſhall be determined the rates may be reduced. Collectors or treaſurers refuſing to account or pay over the monies in their hands, to be committed. *Sect.* 49. If any perſon ſhall maliciouſly cut or deſtroy any bank, mill, engine, flood-gate, or ſluice for draining the lands within the five diſtricts deſcribed in the act, being convicted, he ſhall be guilty of felony and ſuffer death: and if any perſon ſhall maliciouſly ſtop or deſtroy any river, drain, water-courſe, door, dam, bridge, or other work, being convicted before two juſtices for the counties of *Northampton*, *Lincoln*, *Cambridge*, or the *Iſle of Ely*, on the oath of two witneſſes, he ſhall forfeit 100 *l.* to the commiſſioners, their ſucceſſors, heirs or aſſigns, to be applied for the purpoſes to which the rates and taxes are applied; and in default of payment the offender ſhall be ſent to the houſe of correction of the county where the offence was committed, to be kept to hard labour for ſuch time as the juſtices ſhall direct not exceeding ſix months. The commiſſioners are to maintain the banks of *Shire drain*, and the ſluices at *Clow's-Croſs*. If the banks of *Shire-drain* ſhall be broken or overflown, the flood-gates at *Clow's-*

Clow's-Croſs are to be ſhut down. The commiſſioners are not to exerciſe any other power over *Shire-drain* or *Old South Eau* river, than the conſervators have a right to uſe. Conſervators not to exerciſe any power over the commiſſioners or the works, other than over the works put under their particular care. New commiſſioners are to be elected in the room of ſuch as ſhall die or be diſqualified. Rights of lords of manors reſerved, and of the conſervators and others.

CLV. **Stat.** 29 *Geo.* 2. *cap.* 9. Whereas the ſum of 1,800 *l.* has been raiſed and applied according to 27 *Geo.* 2. *cap.* 19. and the corporation have alſo paid off the further ſum of 1,000 *l.* whereby their debt is reduced to 27,440 *l.* which is ſecured by bonds under the ſeal of the corporation, and being by the ſaid act a charge upon the *Middle* and *South-levels* only, it is neceſſary to exchange the bonds. And whereas doubts have ariſen concerning the ſecurity of the creditors, by reaſon that the corporation have it in their power under the acts of 15 & 20 *Car.* 2. to tax the *Middle* and *South-levels* with ſmall taxes, or not at all. And whereas the corporation may want to borrow more money, and it will be neceſſary in all future bonds to diſtinguiſh whether the money borrowed be for the *Middle* and *South-levels*, or for the *North-level*; It is enacted, That during the continuance of any debt on the *Middle* and *South-levels* a ſingle tax ſhall be laid thereon. The corporation may lay on any farther tax if neceſſary. In lieu of the bonds for the preſent debt, new bonds are to be given mentioning that the money ſecured thereby is due upon account of the *Middle* or *South-levels*. With conſent of the Duke of *Bedford*, his heirs or aſſigns, lords of the manor of *Thorney*, and of the Earl of *Lincoln*, his heirs and aſſigns, owners of *High* and *Low Borough-fen*, the corporation may borrow for the uſe of the *North-level* not exceeding 5,000 *l.* They may borrow any ſum for the *Middle* and *South-levels*, ſo as the whole debt do not exceed 32,000 *l.* No money borrowed for the *North-level* to be charged on the *Middle* and *South-levels*, nor *vice verſa*. Bonds to be numbered, and none to be given for more than 100 *l.* to be aſſignable by indorſement; ſuch aſſignment to be entered by the regiſter on requeſt and payment of 2 *s.* 6 *d.* Money raiſed on the taxable lands in the reſpective levels to be applied to the payment of the debts due thereon reſpectively. Bonds to be paid off on ſix months notice left at the office of the corporation in *London*. In default of payment the revenues of the reſpective levels to veſt in the poſſeſſors of the bonds until payment. Diſtinct accounts to be kept for the *North-level* and for the *Middle* and *South-levels*.

CLVI. **Stat.** 29 *Geo.* 2. *cap.* 21. For imbanking certain fen lands called the *Waſhes*, in the pariſhes of *Sutton*, *Mepal*, *Witcham*, *Ely*, *Witchford*, *Wentworth*, *Coveney* and *Downham*, in the *Iſle of Ely* and county of *Cambridge*, and of *Bluntiſham* with *Erith*, in the county of *Huntington*, containing about 1,500 acres.

CLVII. **Stat.** 22 *Geo.* 2. *cap.* 22. For draining certain fen lands in the *Iſle of Ely* and county of *Norfolk*, between the *Hundred-foot-river* and the *Ouſe*, and bounded on the ſouth by the hard lands of *Mepal*, *Witcham*, *Wentworth*, *Wichford*, *Ely*, *Downham* and *Littleport*, containing about 18,000 acres: and for impowering the company of conſervators of the great level of the fens called *Bedford-level*, to ſell certain lands called *Inveſted lands*. *Sect.* 29, 30, 31. Several parcels of the 95,000 acres allotted as a recompence for draining *Bedford-level*, having been put up to ſale purſuant to 15 *Car.* 2. *cap.* 17. and 20 *Car.* 2. *cap.* 8. to raiſe arrears of taxes and penalties, and purchaſed in truſt for the corporation, and called *Inveſted lands*; but the profits ariſing from them being leſs than the taxes, and the corporation having agreed to ſell part of them diſcharged of all arrears, they are impowered to convey them diſcharged of all arrears of taxes, but not of future taxes: and out of the money for which the ſaid inveſted lands are ſold, they are to pay one third of the expences of obtaining this act.

CLVIII. **Stat.** 30 *Geo.* 2. *cap.* 32. For draining fen lands in the pariſh of *Wiggenhall*, *Saint Mary Magdalen* in the county of *Norfolk*, containing about 4,000 acres.

CLIX. **Stat.**

CLIX. **Stat.** 30 *Geo.* 2. *cap.* 33. For draining fen lands in the pariſhes of *Ramſey*, *Bury*, *Wiſtow*, *Warboys*, *Farceitt*, *Standground* and *Water-newton*, in the county of *Huntington*, and of *Doddington* in the *Iſle of Ely* and county of *Cambridge*, containing about 9,118 acres.

CLX. **Stat.** 30 *Geo.* 2. *cap.* 35. For draining certain fen lands in that part of the great level of the fens called the *South-level*, between *Erandon-river* and *Sam's cut drain* in the townſhip of *Feltwell*, and the pariſhes of *Helgay*, *Southery*, *Hockwold*, and *Methwold* in the county of *Norfolk*, containing about 7,000 acres, the lords of the manors of *Feltwell*, *Helgay*, *Southerley* and *Methwold*, a perſon appointed by the truſtees of *Feltwell* ſchool, another by the fen reeves of *Methwold*, perſons ſeiſed of 300 acres and others are appointed commiſſioners. Rights of the conſervators of *Bedford-level* reſerved. *Sect.* 26, 27, 28, 29. The receiver of the corporation of *Bedford-level* is to pay to the ſaid commiſſioners all taxes charged by this act on the *Inveſted lands* of the ſaid corporation, until they are ſold. The governor, bailiffs and conſervators, are to appoint annually at their *April* meeting one commiſſioner for every 300 acres of inveſted lands taxable by this act, ſo long as they remain inveſted. The ſaid inveſted lands may be ſold by auction, either all together or in lots at the ſhire-houſe in *Ely*, at any *April* meeting of the corporation: notice being given in the *London Gazette*, and in the *Cambridge* and *Ipſwich* journals, and affixed in writing under the ſeal of the corporation at the ſaid ſhire-houſe a month before the ſale: and the corporation are to convey the lands to the purchaſers freed from all taxes charged before the ſale, but liable to be taxed after the ſale.

CLXI. **Stat.** 30 *Geo.* 2. *cap.* 36. For draining fen lands in the townſhips of *March* and *Wimblington*, and in the pariſh of *Upwell* in the *Iſle of Ely*, containing about 11,000 acres.

CLXII. **Stat.** 31 *Geo.* 2. *cap.* 18. For draining certain fens in the *Iſle of Ely* and county of *Cambridge*, between the *Cam*, *Ouſe* and *Mildenhall-rivers*, and bounded on the ſouth-eaſt by the hard lands of *Iſleham*, *Fordham*, *Soham* and *Wicken*, containing about 17,000 acres; and for impowering the corporation of *Bedford-level* to ſell inveſted lands within the ſaid limits. The receiver of the corporation is to pay the collectors appointed by the commiſſioners all taxes charged by this act on inveſted lands until they are ſold. The conſervators are to appoint annually a commiſſioner for every 200 acres of inveſted lands taxed by this act. Inveſted lands may be ſold by auction, after giving a month's notice, and are to be conveyed diſcharged of all former taxes, but liable to be rated after the ſale.

CLXIII. **Stat.** 31 *Geo.* 2. *cap.* 19. For draining certain fen lands in the pariſhes of *Chatteris* and *Doddington* in the *Iſle of Ely*, containing about 2,250 acres.

CLXIV. **Stat.** 32 *Geo.* 2. *cap.* 13. For draining certain fen lands in the pariſhes of *Somerſham*, and *Pidley* with *Fenton*, and the pariſh of *Colne* in the county of *Huntington*, containing about 1,400 acres, contiguous to the lands deſcribed in 22 *Geo.* 2. *cap.* 11.

CLXV. **Stat.** 33 *Geo.* 2. *cap.* 32. For draining fen lands in the townſhip of *Ely*, and in the pariſh of *Littleport* in the *Iſle of Ely*, and in the pariſhes of *Mildenhall* and *Lakenheath* in *Suffolk*, and *Helgay* in *Norfolk*, between the rivers of *Mildenhall* and *Brandon*, within *Bedford-level*, containing 18,000 acres. The lands are divided into two diſtricts. The receiver of the corporation of *Bedford-level* is to pay out of the revenues of the *South* and *Middle-levels*, all taxes charged on inveſted lands, and the ſaid corporation may appoint a commiſſioner for every 300 acres of inveſted lands. The ſaid corporation is impowered to ſell certain inveſted lands to Sir *Simeon Stuart* purſuant to agreement, diſcharged of former taxes; and to ſell other inveſted lands within the firſt diſtrict deſcribed in the act by auction, diſcharged of former taxes but liable to future taxes.

XXX. **Stat.** 33 *Geo.* 2. *cap.* 30. *ſect.* 23. So much of 11 *Geo.* 1. *cap.* 28. as relates to party-walls within the city of *London* or liberties, ſhall extend to all caſes within the ſaid city or liberties where it is neceſſary to pull down and rebuild any party-wall, whether either of the adjoining houſes ſhall or ſhall not be, or required to be rebuilt: and in caſe the major part of the workmen appointed to view the party-wall intended to be pulled down, ſhall not within one month after ſuch appointment, ſign a certificate in writing as by the ſaid act is required, then it ſhall be lawful for the court of mayor and aldermen upon application by the owner or occupier of either of the houſes between which the party-wall ſhall be, to name one other able workman to be added to the workmen appointed by the ſaid act: and the workmen ſo appointed in purſuance of the ſaid act and of this act, or the major part of them, who ſhall meet (notice having been given to all of ſuch meeting) ſhall view the party-wall; and in caſe the major part of ſuch workmen ſhall certify under their hands, that ſuch party-wall ought to be pulled down, then it ſhall be lawful for the owner or occupier of either of the adjoining houſes to cauſe ſuch party-wall to be pulled down and rebuilt, and he ſhall have ſuch remedy for recovering a moiety of the expences, as by the ſaid act is provided; ſubject to ſuch appeal and determination by the juſtices of peace of the ſaid city as by the ſame act is directed.

XXXI. *Sect.* 24. All party-walls which, after the expiration of three calendar months after the paſſing of this act, ſhall be built within the ſaid city or liberties, ſhall be two bricks and a half thick at leaſt in the cellar, and two bricks thick upwards to the top of the garret floor; and ſhall be built of ſtone or bricks; and no timbers, except the timbers of the roof, girders, and the templets under the ſame, ſhall be laid into the party-walls, and the ends of girders lying within ſuch party-walls ſhall not exceed one foot; and none of the ends of the girders in adjoining houſes ſhall meet, or be laid oppoſite to each other; and the ſides thereof ſhall be at leaſt nine inches diſtant from each other: and if any builder ſhall build any party-wall within the ſaid city or liberties contrary to this act, or ſhall uſe in the building thereof any bricks other than good well burnt bricks, or ſhall lay any timber in any party-wall contrary to this act, he ſhall for every ſuch offence forfeit 50 *l.* one moiety to the informer, and the other moiety to the poor of the pariſh where ſuch building ſhall be; to be levied by warrant of two juſtices of peace by diſtreſs and ſale of the offender's goods, upon conviction upon oath of one witneſs or confeſſion; and for want of diſtreſs the offender ſhall be impriſoned for ſix months, unleſs the penalty be ſooner paid, by warrant of the ſaid two juſtices.

XXXII. *Sect.* 25. When any houſe within the ſaid city or liberties in part built over ground being the property of ſome other perſon, or whereof the ſeveral floors or parts are the property of different perſons, ſhall be ſo decayed as to make the owner of the ground or of any part of the houſe deſirous to rebuild the ſame, and the owners or occupiers of ſuch houſe or of any parts ſhall not be able or willing to join, or by any legal diſability cannot join, then it ſhall be lawful for the court of mayor and aldermen upon application by the party deſiring to rebuild, to iſſue their order to the ſheriffs of *London* to ſummon a jury before the ſaid court at ſuch time as the ſaid court ſhall appoint, to try whether the premiſſes ought to be rebuilt or not, and to cauſe notice thereof to be given to or left at ſuch premiſſes for ſuch owners or occupiers; and if ſuch jury ſhall be of opinion that the premiſſes ought to be rebuilt, and any of the owners or occupiers or ſome perſon on their behalf ſhall not in court declare their conſent to join in the expence of re-building, then ſuch jury ſhall be again impanelled and ſworn to inquire the value of the parts belonging to the perſons refuſing, or legally diſabled; and, upon payment or tender of the value awarded by ſuch jury to the parties intereſted, if they can be found within the ſaid city or liberties, or upon payment into the bank in the name of the chamberlain of the ſaid city for the uſe of the perſons intitled thereto, in caſe they cannot be found within the ſaid city or liberties, the eſtate of the parties ſo refuſing or diſabled in the premiſſes

ſhall veſt in the perſons obtaining ſuch award; and they may pull down and rebuild the ſaid houſe, and ſhall from thenceforth hold the ſame for ever.

XXXIII. *Sect.* 26. Where any party-wall within the ſaid city or liberties ſhall by 11 *Geo.* 1. *cap.* 28. and this act be pulled down and rebuilt by the owner or occupier of one of the adjoining houſes, the expence of ſuch party-wall ſhall be eſtimated at the rate of 7 *l. per* rod.

XXXIV. *Sect.* 27. Where any party-wall ſhall be built agreeable to this act in execution of any contract entered into before 1 *March* 1760. the expence of ſuch party-wall ſhall be eſtimated at 7 *l. per* rod, notwithſtanding ſuch contract.

Fiſh and fiſhery.

CLII. **Stat.** 23 *Geo.* 2. *cap.* 24. *ſect.* 1. It ſhall be lawful for his Majeſty by letters patent under the great ſeal of *Great Britain* to incorporate the right honourable Sir *Samuel Pennant* lord mayor of *London*, and 67 others named in the act, and all perſons, and bodies corporate who in their own right or as executors, *&c.* or aſſigns under the original proprietors, ſhall be intitled to any intereſt in the capital ſum of 500,000 *l.* herein after-mentioned, ſo long as they have ſuch intereſt, to be one body corporate by the name of *The ſociety of the free* Britiſh *fiſhery*; and by that name to have a ſucceſſion to continue for 21 years, and to have a common ſeal, with power from time to time to chuſe their governor, preſident, vice-preſident, council, and other officers, in ſuch manner and under ſuch qualifications, with regard to the electors and elected as ſhall be directed in ſuch letters patent; the firſt governor, *&c.* being qualified as all ſubſequent governors, *&c.* ſhall by the ſaid letters patent be directed to be qualified, and to continue in their reſpective offices for three years from the date of the ſaid letters patent. *The charter bears date* 11 Oct. 1750.

CLIII. *Sect.* 2. It ſhall be lawful for his Majeſty, by the ſaid letters patent of incorporation to impower the ſaid ſociety to make by-laws for the regulation of the ſaid ſociety, and of the trade carried on by them, and for the curing, ſorting and packing their white herrings in ſuch manner as to ſecure the credit of the ſaid commodities in foreign markets, and for the government of the ſervants and others employed by the ſociety in the ſaid fiſheries.

CLIV. *Sect.* 3. It ſhall be lawful for the ſaid ſociety to direct what ſeals or marks ſhall be put on every barrel of their fiſh, and if any perſon counterfeit ſuch mark, or knowingly affix ſuch mark ſo counterfeited to any caſk of fiſh not belonging to the ſociety, he ſhall forfeit 500 *l.* for each offence, to be recovered by action, *&c.* in any court of record at *Weſtminſter*, or in the court of ſeſſion in *Scotland*; the one moiety to the ſociety, and the other moiety to ſuch perſon as ſhall ſue for the ſame.

CLV. *Sect.* 4. His Majeſty by his ſaid letters patent may impower the ſociety by a voluntary ſubſcription to raiſe the ſum of 500,000 *l.* which ſhall be the capital ſtock of the ſociety; and may direct how the property of the perſons ſubſcribing may be aſcertained and transferred.

CLVI. *Sect.* 5. It ſhall be lawful for his Majeſty by the ſaid letters patent to impower the ſociety, or ſuch part thereof as ſhall in the ſaid letters patent be for that purpoſe named, to make calls, and direct the payment of any part of the ſaid ſubſcriptions, ſo as the firſt payment be within 30 days from the time of ſuch ſubſcription, and be after the rate of 10 *per cent.* of the ſum ſubſcribed, and the ſecond payment be after the ſame rate, and the other payments be purſuant to the direction of a general court of the ſociety; and in caſe any perſon neglect to pay any money ſo called for, at the times appointed, notice being given in the *London Gazette* 30 days before the day of payment, it ſhall be lawful for the ſociety to ſell ſo much of the ſtock of the perſon ſo neglecting as ſhall produce the ſum which ſuch perſon ought to have paid on ſuch call; provided that all money ſubſcribed and directed to be paid be paid into the bank of *England* on account of the ſociety.

CLVII. *Sect.* 6. Three pounds by the year for each 100 *l.* employed in the ſaid fiſhery, and proportionably for any greater or leſſer ſum, ſhall be paid to the proprietors of the ſaid ſtock for 14 years from the date of the charter out of the cuſtoms, by the receiver general of the cuſtoms, by equal half-yearly payments; [*the time is prolonged for three*

years more by 28 *Geo.* 2. *cap.* 14. §. 4.] And an account ſhall be delivered to the commiſſioners of the cuſtoms of the ſums employed; which ſhall be produced by the accomptant of the ſociety; who ſhall if required by the commiſſioners produce his vouchers, diſtinguiſhing the articles in which the ſaid ſums ſhall be ſo employed; which account ſhall be examined and ſigned by three at leaſt of the council of the ſociety, and be atteſted by the oath of the accomptant before any two commiſſioners of the cuſtoms; and the ſaid oath ſhall be wrote at the foot of the ſaid account; and the ſaid oath and account ſhall be left in the cuſtody of the commiſſioners; any three of whom ſhall order payment to be made by the receiver general of the cuſtoms to the ſaid ſociety, or ſuch perſon as ſhall be by them appointed, after the rate aforeſaid for ſuch ſums as appear to be ſo employed by the ſociety in the ſaid fiſhery.

CLVIII. *Sect.* 7. The ſociety ſhall employ 100,000*l.* at leaſt in the ſaid fiſheries within 18 months after the date of ſuch ſubſcription; and the accounts of the ſociety ſhall be annually laid before parliament; and if loſs ſhould ariſe by any year's adventure and there ſhould be gain by the ſucceeding years, the gain ſhall be applied ſo as to make good the veſſels and fiſhing ſtock to the value of 100,000*l.* before any dividend be made of the gain.

CLIX. *Sect.* 8. Such ſums as ſhall *bona fide* be contracted to be paid within ſix months ſhall be deemed employed within the meaning of this act, in caſe ſo much money of the ſaid company as will be ſufficient to anſwer the ſaid contracts, ſhall at the time of making the ſame be in the bank of *England*, and there remain for paying the ſame; ſuch contracts being in writing and ſigned or executed in the preſence of two witneſſes.

CLX. *Sect.* 9. No transfer ſhall be made of any of the ſaid ſtock of 500,000*l.* for five years from the date of the charter [*this prohibition is prolonged for ſeven years more by* 28 Geo. 2. cap. 14. §. 3.] but the ſame ſhall be void.

CLXI. *Sect.* 10. It ſhall be lawful for the executors and adminiſtrators or deviſees of any perſon who ſhall die poſſeſſed of any ſhare in the ſaid 500,000*l.* and alſo for the aſſignees under any commiſſion of bankrupts, to transfer ſuch ſtock and diſpoſe of the produce as they may of any other effects of ſuch teſtator, inteſtate, or bankrupt.

CLXII. *Sect.* 11. A bounty of 30*s.* *per* ton ſhall be paid annually out of the cuſtoms, to the owners of all decked veſſels, from 20 to 80 tons burthen, which ſhall be built after the commencement of this act for the uſe of the ſaid fiſheries, and fitted out and employed in the ſaid fiſheries, whether by the ſaid ſociety or any other perſon, under the regulations after-mentioned.

CLXIII. *Sect.* 12. Every ſuch buſs or veſſel which ſhall be employed in the ſaid white herring fiſheries by the ſaid ſociety, or whoſe owners ſhall be intitled to the bounty of 30*s.* *per* ton, ſhall be a decked buſs or veſſel, built in *Great Britain* after the commencement of this act; and ſhall proceed on the ſaid fiſhery from ſome port in *Great Britain* manned and navigated as by law is directed: and before ſuch veſſel proceed on ſuch voyage, or be intitled to the benefit of this act, ſhe ſhall be viſited by an officer of the cuſtoms belonging to ſuch port appointed by the commiſſioners of the cuſtoms; who ſhall take an account of the tonnage by admeaſurement, and ſhall certify his viſitation, examination and admeaſurement to the commiſſioners of the cuſtoms, and that ſhe hath on board ſuch a quantity of fiſhing nets, and other ſtores as herein after are mentioned, and is a proper veſſel to be employed in the ſaid fiſhery: and upon its appearing by the oath of one or more owners, or their agent, or of a proper officer of the ſociety appointed for that purpoſe, and of the maſter or chief officer of ſuch veſſel, written at the foot of the ſaid certificate and made before the collector and comptroller of ſuch port, that it is their purpoſe that ſuch veſſel ſhall proceed ſo manned and accoutred either to *Braſſey's Sound* in *Shetland*, and be at the rendezvous of the fiſhery there on or before the 11th of *June*, and ſhall not ſhoot or wet their net before the 13th of *June*, and ſhall continue fiſhing amongſt the ſhoals of herring as they move ſouthward to the firſt of *October*; or ſhall proceed to *Campbell Town* in *Argyllſhire*, and be at the rendezvous of the fiſheries on or before the firſt of *September*, and ſhall continue fiſhing among the ſhoals of herring as they move to the 31ſt of *December*, unleſs they have ſooner compleated their loading of fiſh; and ſhall fiſh in an orderly manner without obſtructing other veſſels employed

employed in the ſaid fiſhery; and ſhall keep a journal of their proceedings and an account of what quantities of fiſh they ſhall diſpatch away to foreign markets in their jaggers before they come into p rt, beſides the particular quantity they ſhall bring into port with them; and if, after ſuch certificate and oath ſuch owner or officer of the ſociety, and maſter or chief officer of ſuch veſſel, do alſo become bound, with two ſureties, unto his Majeſty in the penalty of a ſum equal to treble the bounty on the tonnage of his veſſel intended by this act (which bond the collector with the approbation of the comptroller is to take, and is to be in force for three years againſt the maſter and his ſureties for the faithful dealing of the ſaid maſter and ſhip's company in regard to the ſaid veſſel and voyage) then the collector and comptroller of ſuch port ſhall give to the maſter and owners of ſuch veſſel licence to proceed on ſuch voyage.

CLXIV. *Sect.* 13. Every veſſel which ſhall be deemed properly qualified and fitted out for the herring fiſhery according to this act, ſhall be a decked veſſel built in *Great Britain* after the commencement of this act, and ſhall have on board 12 *Wincheſter* buſhels of ſalt for every laſt of fiſh which ſuch veſſel is capable of holding barrelled up in new barrels, and as many more new barrels as ſuch veſſel is capable of carrying, and ſhall have two fleets of tanned nets proper for the herring fiſhery; *viz.* every ſuch veſſel of the burthen of 70 tons ſhall on her proceeding to ſea have on board one fleet of 50 nets, each net to be 30 yards full upon the rope and ſeven fathoms deep, and ſo in proportion for any veſſels of a greater or leſſer tonnage, and be provided with one other fleet of 50 like nets on board a jagger or tender which is to attend the ſaid fiſhery, or left on ſhore in a proper place for the uſe of the ſaid veſſel. *The ſize of the nets is altered by* 30 Geo. 2. cap. 30. ſect. 2.

CLXV. *Sect.* 14. Every ſuch veſſel of 20 tons ſhall have on board at the place of rendezvous not leſs than ſix men, and every veſſel of greater burthen ſhall over and above the ſix men aforeſaid have one for every five tons which ſhe ſhall exceed 20 tons.

CLXVI. *Sect.* 15. On the return of ſuch veſſel into any port of *Great Britain* for her diſcharge, the chief officer of the cuſtoms or ſuch officer as he ſhall appoint at ſuch port, ſhall immediately repair on board and view the condition of ſuch veſſel and her lading, and certify the ſame, and alſo her real tonnage, and the names of the maſter and other perſons on board; and the maſter ſhall make oath before the collector and comptroller of ſuch port, which ſhall be wrote on the back of or annexed to the licence, (and which they are to deliver up, and what they did in purſuance thereof) that ſuch veſſel was at one of the places before-mentioned at the time appointed by this act, and has not ſince been on any other voyage or purſued any other deſign of profit, and that they did remain fiſhing according to the direction of this act, and had at the time of their rendezvous the quantity of nets and other ſtores and number of men herein before directed; all which certificate, ſchedule, licence and oath, together with the account of the fiſh taken, ſhall be tranſmitted by the collector and comptroller of ſuch port to the commiſſioners for that part of *Great Britain* from whence the veſſel departed with her licence; and ſuch commiſſioners being ſatisfied of the faithful dealing of the maſter and other perſons employed in ſuch veſſel, ſhall on demand cauſe payment to be made to the owners or their aſſigns by the receiver general of the cuſtoms, the ſum of 30 *s. per* ton according to the admeaſurement of ſuch veſſel certified as aforeſaid.

CLXVII. *Sect.* 16. Such bounty of 30 *s. per* ton ſhall be paid yearly during 14 years from the commencement of this act. *This bounty is altered by* 30 Geo. 2. cap. 30. ſect. 1.

CLXVIII. *Sect.* 17. Nothing in this act ſhall exclude any of his Majeſty's ſubjects who ſhall not be members of the ſaid ſociety or employed by them, from fiſhing or carrying on the white herring or cod fiſheries and any other, as they might have done in caſe this act had never been made.

CLXIX. *Sect.* 18. Any number of perſons who ſhall ſubſcribe 10,000 *l.* or upwards into the ſtock of the ſociety, and ſhall carry on the ſaid fiſhery under their own management and on their own account, conformably to the directions of this act and of the intended charter, except as to their being obliged to uſe the marks of the

ſociety

ſociety, and from the port named by them, if they ſubſcribe under the name of *The fiſhing chamber* of ſuch city, town or port; and ſend their account of monies expended in the fiſheries, atteſted by three of the committee appointed by the majority of ſuch ſubſcribers for managing the matters of the ſaid chamber, and ſigned by their accomptant, who ſhall make oath before a juſtice of peace, that he believes the ſame is a true account, the vouchers whereof he ſhall produce if required; the ſaid account ſhall be tranſmitted to the governor and council of the ſociety at *London*; and the accomptant of the ſaid ſociety at *London* ſhall enter the ſame as a ſum expended in the fiſheries by the ſociety, in the account which he ſhall deliver to the commiſſioners of the cuſtoms; and the ſaid chamber ſhall receive yearly 3 *l.* for every 100 *l.* as the ſociety do for any other monies employed in the fiſhery, after deducting the neceſſary charges ariſing from the receipt of the ſame.

CLXX. *Sect.* 19. Such chambers which ſhall ſo trade or fiſh on their own account ſhall not have any profit or loſs ariſing from the trade of the ſociety.

CLXXI. *Sect.* 20. The receiver general of the cuſtoms ſhall pay yearly the ſaid ſum of 3 *l.* for every 100 *l.* unto the ſaid ſociety in *London*, or to ſuch perſon as ſhall be by them impowered; and the ſociety ſhall pay over the ſaid yearly ſum of 3 *l.* for every 100 *l.* deducting the charges of receiving unto the reſpective fiſhing chambers intitled thereto, or to ſuch perſon as ſhall by them be impowered to receive the ſame.

CLXXII. **Stat.** 23 *Geo.* 2. *cap.* 26. *ſect.* 7. Whereas the time limited for reſtraining the taking fiſh in divers rivers by 1 *Geo.* 1. *cap.* 18. *ſect.* 14. is not adapted to the fiſhing ſeaſons in the river *Ribble* in the county of *Lancaſter*, it ſhall be lawful for the owners of the fiſheries in the ſaid river *Ribble*, and every perſon intitled to fiſh therein, and their leſſees, tenants, ſervants and agents, at any time betwixt the firſt of *January* and fifteenth of *September* in any year, to take and kill by any lawful means any ſalmon, ſalmon peal, or ſalmon kind, in their reſpective fiſheries within the ſaid river, and to ſell the fiſh ſo taken.

CLXXIII. *Sect.* 8. If any perſon ſhall at any time between the 14th of *September* and 2nd of *January* for ever take, kill or wilfully hurt, any ſalmon in the ſaid river *Ribble*, he ſhall incur the ſame penalties as were by the 1 *Geo.* 1. *cap.* 18. Par. CXXVIII. inflicted upon perſons taking ſalmon in the ſaid river betwixt the laſt of *July* and 12th of *November*, and ſhall be proceeded againſt and convicted as by the ſaid act is directed.

CLXXIV. *Sect.* 9. The ſaid act (ſave the alteration hereby made in the times of taking ſalmon in the river *Ribble*) ſhall remain in force.

CLXXV. **Stat.** 26 *Geo.* 2. *cap.* 9. *ſect.* 1. The ſociety of the free *Britiſh* fiſhery are intitled to the intereſt of 3 *l.* by the year for each 100 *l.* employed in the *Britiſh* white herring fiſhery according to 23 *Geo.* 2. *cap.* 24. for ſuch time, and payable in ſuch manner as they would have been intitled thereto in caſe ſo much money as would have been ſufficient to anſwer their contracts had, at the time of making the ſame, been in the bank of *England*.

CLXXVI. *Sect.* 2. The oaths by the ſaid act required, with reſpect to the ſeveral nominal days appointed for the rendezvous of the buſſes, and for the commencement and duration of the fiſheries, ſhall be made conformable to the calendar now in uſe; viz. the oath to be made for procuring a licence to proceed on the ſaid fiſhery, ſhall import that it is the purpoſe of the perſons making ſuch oath, that the buſs ſhall proceed manned and accoutred as required either to *Braſſey's Sound* in *Shetland*, and be at the rendezvous on or before the 22nd of *June*, and ſhall not ſhoot or wet their nets before the 24th of *June*, and ſhall continue fiſhing unleſs prevented by unavoidable accidents to the 12th of *October*, or ſhall proceed to *Campbell* town in *Argyllſhire*, and be at the rendezvous on or before the 12th of *September*, and ſhall continue fiſhing not being prevented to the 11th of *January*, unleſs they have ſooner completed their loading of fiſh; and the oath to be made by the maſters of the buſſes at their return with reſpect to their having conformed to the ſeveral days appointed for the rendezvous, and for the commencement and duration

of the fiſheries ſhall be made conformable to the alterations made by this act in reſpect of ſuch nominal days.

CLXXVII. *Sect.* 3. The ſaid ſociety ſhall not be intitled to the bounty of 30 *s. per* ton by the ſaid act given, in reſpect of ſuch veſſels as return with a leſs number of hands than is required by the ſaid act to be on board at the rendezvous, unleſs it appear that ſuch number hath been reduced by death, ſickneſs or deſertion, without any fraud on the part of the ſociety. And it ſhall be lawful for the buſſes between the intervals of the *Shetland* and *Yarmouth* fiſheries, to put into any port of *Great Britain* or *Ireland*, for the purpoſe of changing nets and preparing for ſuch *Yarmouth* fiſhery.

CLXXVIII. *Sect.* 4. It ſhall be lawful for the ſecond fleet of nets by the ſaid act required to be on board a jagger or left on ſhore, to be of any depth not under five fathoms; and the certificate and oath touching the depth of the fiſhing nets ſhall be varied accordingly.

CLXXIX. *Sect.* 5. In regard the ſaid ſociety or their agents have not been able fully to comply with the directions of 5 *Geo.* 1. *cap.* 18. and 8 *Geo.* 1. *cap.* 4. Salt, touching the accounting for ſalt employed in the curing fiſh ſent away to foreign markets immediately from ſea, there being no proviſion in the preſent laws how the ſhipping of ſuch fiſh immediately from ſea for foreign markets ſhall be verified, whereby the ſociety or their agents who have given ſuch ſecurity as is required by 8 *Geo.* 2. *cap.* 12. Salt, are liable to be ſued on their ſecurities for the penalties inflicted by the ſaid acts; be it enacted, that the quantity of white herrings ſent or to be ſent by the ſociety or their agents to foreign markets immediately from ſea, ſhall be aſcertained by the oath of the ſociety's ſuperintendant of the fiſhery before a juſtice of peace or an officer for the duties on ſalt, and a certificate under the hands of the ſecretary and accomptant of the ſaid ſociety purporting, that it appears by letters from the correſpondents of the ſociety to whom ſuch fiſh mentioned in ſuch affidavit were conſigned, that ſuch fiſh have come to the hands of ſuch correſpondents or have been loſt at ſea.

CLXXX. *Sect.* 6. Such affidavit and certificates ſhall be evidence to verify the quantity of fiſh ſent away immediately from ſea.

CLXXXI. *Sect.* 7. All veſſels built and fitted out as required by 23 *Geo.* 2. *cap.* 24. which ſhall rendezvous at *Kirkwall* in the *Orkney* iſlands on or before the 12th of *September* and continue fiſhing to the eleventh of *January*, unleſs their loading be ſooner completed, ſhall be intitled to the bounties granted by the ſaid act in the ſame manner as if ſuch veſſels had rendezvouzed at *Campbell* town at the time required.

CLXXXII. *Sect.* 8. No fiſhing veſſel employed in the white herring fiſhery ſhall be obliged to carry to the latter fiſhing more than one fleet of nets.

CLXXXIII. Stat. 28 *Geo.* 2. *cap.* 14. *ſect.* 1. The payment of the intereſt of three *per cent. per annum*, by the commiſſioners of the cuſtoms to the ſociety of the free *Britiſh* fiſhery on the ſum of 104,509 *l.* from the 11th of *October* 1750. to the 22d of *October* 1752. ſhall be a good payment; and all future intereſt on the ſaid ſum of 104,509 *l.* ſhall be computed from the 22d of *October* 1752.

CLXXXIV. *Sect.* 2. All future computations of intereſt, payable to the ſaid ſociety by 23 *Geo.* 2. *cap.* 24. in reſpect of any additional ſums already paid in, or hereafter to be paid in, ſhall be made from the day on which each ſum reſpectively was or ſhall be paid into the bank in order to be imployed in the fiſheries.

CLXXXV. *Sect.* 3. So much of 23 *Geo.* 2. *cap.* 24. as directs that no transfer of any of the ſtock of 500,000 *l.* which the ſociety are impowered to raiſe as a capital, ſhall be made for five years from the date of their charter, except as in the ſaid act are excepted, ſhall be continued for ſeven years from the expiration of the five years.

CLXXXVI. *Sect.* 4. The allowances of three *per cent. per annum*, and the bounty of 30 *s. per* ton ſhall be continued for three years from the expirations of the terms for which the ſame were granted. *The bounty of* 30 s. per *ton is altered by* 30 Geo. 2. cap. 30. ſect. 1.

CLXXXVII. *Sect.* 5. It ſhall be lawful for the ſociety to let out to hire any of their buſſes to be uſed in the ſaid fiſheries only, under ſuch regulations as they would be liable

liable unto in caſe ſuch buſſes were immediately under their direction; and it ſhall be lawful for the ſociety and ſuch perſons to whom any of their buſſes may be ſo let out, to follow the ſaid white herring fiſhery in any part of the *Britiſh* ſeas.

CLXXXVIII. *Sect.* 6. The ſociety ſhall not be liable to forfeit the ſaid bounty of 30 *s. per* ton, in reſpect of ſuch buſſes as ſhall not arrive at one of the places appointed for the rendezvous by 23 *Geo.* 2. *cap.* 24. or 26 *Geo.* 2. *cap.* 9. on the reſpective days by the ſaid 26 *Geo.* 2. *cap.* 9. appointed; provided ſuch buſſes did *bona fide* take their departure for ſuch places of rendezvous five days before the days in the ſaid 26 *Geo.* 2. *cap.* 9. appointed for the veſſels to be at ſuch places of rendezvous, and that ſuch buſſes be fitted out conformable to the directions in the ſaid two acts.

CLXXXIX. *Sect.* 7. Where the buſſes employed in the ſaid fiſheries ſhall leave the ſtations at ſea from whence the fiſhery is by 23 *Geo.* 2. *cap.* 24. appointed to be carried on, in order for the fiſhing at other ſtations, and where the buſſes taking their departure at the times before mentioned, ſhall not arrive at the ſtations at *Braſſey Sound* or *Campbell Town* or at *Kirkwall* on the days by 26 *Geo.* 2. *cap.* 9. directed, the oath to be made by the maſters of ſuch buſſes at their return into port for their diſcharge, with reſpect to ſo much as relates to their having arrived at ſuch rendezvous on ſuch days, and to their having remained fiſhing according to the directions of the ſaid acts, ſhall be varied and made conformable to the particular circumſtances attending ſuch reſpective buſſes.

CXC. *Sect.* 8. Whereas by his Majeſty's charter of the 11th of *October* 1750. the court of the council of the ſaid ſociety is to conſiſt at leaſt of ſeven members of the council, whereof the governor, preſident or vice-preſident is to be one; be it enacted, that in the abſence of the governor, preſident and vice-preſident from any meeting of the court of the council of the ſaid ſociety, it ſhall be lawful for the members of the council then preſent, being at leaſt ſeven, to elect one of their members then preſent to preſide for that time in ſuch court of council.

CXCI. *Sect.* 9. If any perſon ſhall wilfully damnify or deſtroy without the conſent of the ſociety, any of the nets, ſails, cordage, ſtores or other materials of the ſociety, being convicted upon the oath of two witneſſes before any juſtice of peace for the county, *&c.* where ſuch offence ſhall be committed, upon any information or proſecution within ſix calendar months after the offence, he ſhall forfeit to the ſociety treble the value of ſuch nets, *&c.* ſo damnified or deſtroyed, to be levied by diſtreſs and ſale of the offender's goods by warrant of any juſtice of peace within their reſpective juriſdictions; and for want of ſufficient diſtreſs ſuch juſtice ſhall commit the party offending to the houſe of correction to be kept to hard labour for any time not exceeding three months, or until ſatisfaction be made to the ſociety.

CXCII. *Sect.* 10. For preventing difficulties about receiving all ſuch ſums as ſhall become due as a duty of 6 *d. per* month from all ſeamen imployed in the *Britiſh* white herring fiſhery for the ſupport of *Greenwich* hoſpital, the commiſſioners of the cuſtoms ſhall tranſmit to the office of the receiver of the ſaid duty in *London*, a copy of every certificate tranſmitted to them by any of the collectors and comptrollers of the out-ports in *Great-Britain*, in order to the ſaid commiſſioners cauſing payment to be made of the bounty of 30 *s. per* ton purſuant to 23 *Geo.* 2. *cap.* 24. *ſect.* 15. and it ſhall not be lawful for the commiſſioners of the cuſtoms to cauſe payment to be made of any monies on account of the ſaid bounty, until the perſon intitled to demand it have produced to the ſaid commiſſioners a certificate from the receiver of the ſaid duty of 6 *d. per* month, that all monies due on account of the ſame for every ſeaman imployed on board the veſſel in reſpect of which the ſaid bounty is demanded have been paid.

CXCIII. **Stat.** 30 *Geo.* 2. *cap.* 21. *ſect.* 1. The court of mayor and aldermen of *London*, ſhall before the 29th of *September* 1757. make rules for the governing all perſons who ſhall fiſh or drudge in the river of *Thames* and waters of *Medway* (within the juriſdiction of the ſaid mayor as conſervator; and for declaration in what manner they ſhall demean themſelves in fiſhing, and with what nets and engines, and at what times they ſhall uſe fiſhing in the ſaid river and waters of *Medway* within the juriſdiction aforeſaid, and for aſcertaining the aſſize of fiſh to be there taken, and for the

the preſervation of the ſpawn and fry of fiſh, and for obliging every perſon who ſhall fiſh with a boat, veſſel or craft in the *Thames* and *Medway* within the juriſdiction aforeſaid, to have in his boat, *&c.* both his chriſtian and ſurname, and the name of the pariſh or place in which he dwelleth, painted in large characters in ſome place where any one may read the ſame; and for preventing ſuch name from being altered or defaced, and to annex penalties for the breach of ſuch rules not exceeding five pounds for any one offence, and ſuch rules from time to time to alter, and new rules to make; ſo as the ſame be approved of by the lord chancellor, the lord chief juſtice of the *King's Bench*, the lord chief juſtice of the *Common Pleas*, the lord chief baron of the *Exchequer*, or any two of them, and they or two of them are to allow or alter the ſame as they think fit; and for the doing thereof no fee ſhall be paid.

CXCIV. *Sect.* 2. No perſon ſhall within the juriſdiction of the ſaid mayor wilfully take, deſtroy, or expoſe to ſale, or exchange any ſpawn, fry, or brood of fiſh, or ſpat of oyſters, or any unſizeable or unwholeſome fiſh, or fiſh out of ſeaſon, or bring ſuch fiſh on ſhore for ſale, or uſe or keep any net, engine or other device prohibited by ſuch rules; upon pain of forfeiting for every offence ſuch ſum as by ſuch rules ſhall be appointed, to be recovered as is after-mentioned.

CXCV. *Sect.* 3. Such rules ſhall within 30 days after the ſame ſhall be approved as aforeſaid, be printed and made public.

CXCVI. *Sect.* 4. The ſaid court of mayor and aldermen ſhall between the 25th of *June* and 29th of *September* next (and ſo yearly if occaſion require) order to be ſummoned before them ſuch and ſo many perſons who fiſh in the *Thames* or *Medway* within the juriſdiction aforeſaid, as common fiſhermen or drudgermen (not exceeding 12) as to them ſhall ſeem meet, to be examined upon oath (if the court think fit) touching the fiſhery; and if any ſuch fiſherman or drudgerman being perſonally ſummoned by writing to attend the court of mayor and aldermen by the ſpace of 14 days at leaſt, neglect ſo to do, or refuſe to be examined upon oath, not making appear before the ſaid court ſome juſt excuſe, he ſhall on proof by oath in ſuch court of the ſervice of the ſummons forfeit 40*s.* to be levied by diſtreſs and ſale of goods by warrant of the ſaid mayor, or the recorder, or any alderman of the ſaid city, directed to any aſſiſtant of the water-bailiff, or any conſtable, headborough, or peace officer; and the ſaid diſtreſs ſhall be ſold after five days from the making ſuch diſtreſs, rendering the overplus to the offender; which penal ſum ſhall be paid to the treaſurer of *Greenwich* hoſpital for the benefit of the hoſpital.

CXCVII. *Sect.* 5. It ſhall be lawful for the deputy of the ſaid mayor as conſervator, called *The Water Bailiff*, and his aſſiſtants appointed by warrant under the hand and ſeal of the mayor, and for all perſons authorized by warrant of the mayor, to enter into any veſſel of any perſon fiſhing upon the *Thames* or *Medway* within the juriſdiction aforeſaid, and there ſearch for and ſeize all ſpawn, fry, brood of fiſh, ſpat of oyſters, and unſizeable unwholeſome or unſeaſonable fiſh, and all unlawful nets, engines and inſtruments, for taking or deſtroying fiſh, and to ſeize on the ſhore adjoining within the juriſdiction aforeſaid all ſuch ſpawn, fry, brood of fiſh, ſpat of oyſters, unſizeable, unwholeſome or unſeaſonable fiſh; and ſuch deputy and aſſiſtants, or other perſons authorized, ſhall, with all ſpeed, after the ſeizing any ſuch unlawful nets, *&c.* or any ſpawn, *&c.* cauſe the ſame to be brought before the mayor of *London*, or the recorder, or one of the aldermen, if ſeized within the limits of the city of *London* and liberties thereof, either upon the ſaid river or on ſhore, or before the mayor of the ſaid city, or the recorder, or one of the aldermen, or a juſtice of peace of the county in which ſuch ſeizure ſhall be made, if made upon the ſaid river or waters out of the limits of the ſaid city or the liberties thereof, but within juriſdiction of the ſaid mayor as conſervator, or before a juſtice of peace of the county in which the ſame ſhall be ſeized on ſhore; who ſhall cauſe ſuch nets, *&c.* or ſpawn, *&c.* ſo ſeized to be examined; and if the ſame upon examination, or on proof on oath appear to be unſizeable, unwholeſome or unſeaſonable, or unlawful, and that the ſame were ſeized as aforeſaid, the ſaid mayor, recorder, or any alderman of the ſaid city, or juſtice, within their reſpective juriſdictions, ſhall cauſe to be burnt or deſtroyed, as well all ſuch unlawful nets, *&c.* as alſo all ſuch ſpawn, *&c.*

CXCVIII. *Sect.* 6. If any perſon obſtruct the ſaid water-bailiff, his aſſiſtants or any of the ſaid officers, or any conſtable, headborough or other peace officer, in the exe-

cution of any of the powers veſted in them by this act, or of any warrant iſſued by the ſaid mayor recorder or any alderman of the ſaid city or juſtice reſpectively in purſuance of this act, or if any perſon reſcue any perſon apprehended by virtue of the powers given by this act, the perſon offending ſhall for every ſuch offence forfeit 10*l.* on conviction by the oath of one witneſs before the ſaid mayor recorder or one of the aldermen of the ſaid city, within the ſaid city and liberties or the juriſdiction aforeſaid, or before a juſtice of the county where the offence ſhall be committed or the offender apprehended.

CXCIX. *Sect.* 7. The mayor recorder or any one alderman of the ſaid city, within the ſaid city and juriſdiction aforeſaid, and the juſtices of peace of the reſpective counties within the juriſdiction aforeſaid, or any one of them, ſhall have power to hear in a ſummary way complaints touching any unlawful fiſhing, or other offences contrary to the rules made in purſuance of this act; and the ſaid mayor, recorder, aldermen and juſtices and each of them, ſhall upon view or upon complaint on oath of any ſuch offence within their reſpective juriſdictions within 10 days after the commiſſion of ſuch offence, iſſue his warrant directed to the water-bailiff of the ſaid city, or ſuch his aſſiſtants as aforeſaid, or to ſuch conſtables, headboroughs, or other peace officers, as the mayor, recorder, aldermen or juſtices or any one of them ſhall think fit, requiring him to apprehend ſuch offender and to bring him before the ſaid mayor, *&c.* within their reſpective juriſdictions, to anſwer the complaint contained in ſuch warrant; which warrant the perſons to whom the ſame ſhall be directed and their aſſiſtants are to execute on the *Thames* or *Medway* within the juriſdictions aforeſaid, or on any ſhore adjoining, and they and every of them are to go on board any veſſel in the ſaid rivers, or in the day time with a peace officer to enter any houſe wherein any ſuch offender ſhall be, for the apprehending him, and to carry him as ſoon as may be before the ſaid mayor recorder or one of the aldermen of the ſaid city, if apprehended in the city of *London* or the liberties thereof, and if apprehended out of the city of *London* or the liberties thereof, then before a juſtice of the county where the ſaid offender ſhall be taken; and the ſaid mayor, *&c.* within their reſpective juriſdictions is to ſummon witneſſes on either ſide, and to examine them on oath, and thereupon to determine the ſame; and in caſe any offender ſhall be convicted, he ſhall incur ſuch penalty as ſhall be by ſuch rules impoſed; and ſuch warrant or other act of the ſaid mayor, *&c.* and the acts of the water-bailiff and his aſſiſtants, and of all perſons in obedience to ſuch warrant, ſhall be as valid as if the ſame were executed within the limits of their own city or juriſdiction.

CC. *Sect.* 8. If any witneſs ſummoned in purſuance of this act neglect to appear, or refuſe to be examined on oath, and no juſt excuſe be offered, every perſon ſo offending, on proof on oath of ſuch ſummons having been ſerved on him, ſhall for every ſuch offence forfeit ſuch ſum not exceeding 5*l.* nor leſs than 20*s.* as the ſaid mayor, *&c.* ſhall by warrant direct.

CCI. *Sect.* 9. If any aſſiſtant of the water-bailiff of the ſaid city, or any peace-officer, willingly neglect to ſerve or execute any warrant to him directed in purſuance of this act, or otherwiſe wilfully omit the performance of his duty in the execution of this act, and be convicted by the oath of one witneſs before the ſaid mayor, *&c.* he ſhall forfeit any ſum not exceeding 5*l.* as the ſaid mayor, *&c.* ſhall direct.

CCII. *Sect.* 10. If the ſaid water-bailiff or any of his aſſiſtants receive any money or reward from any perſon to delay or hinder any proſecution, or compound for or wilfully conceal any offence, and be convicted by the oath of one witneſs before the ſaid mayor, recorder or aldermen of the ſaid city, or one of them, for every ſuch offence he ſhall forfeit 5*l.*

CCIII. *Sect.* 11. It ſhall be lawful for the mayor of *London*, recorder and aldermen of the ſaid city, or one of them, within the ſaid city or liberties, or within the juriſdiction aforeſaid, and for any juſtice of peace within their reſpective counties, on the conviction of any perſon for any offence contrary to this act, the forfeiture not being paid, to iſſue a warrant directed to the aſſiſtant or aſſiſtants of the water-bailiff or any peace officer within their reſpective juriſdictions, impowering him to make diſtreſs of the goods of the offender for the ſum to be levied by ſuch warrants, and to cauſe ſuch goods after five days from the diſtreſs taken to be ſold, rendering the overplus after deducting the forfeiture and charges to the owners; which charges ſhall be aſ-

certained by the magiſtrate before whom ſuch offender is convicted; and for want of ſuch diſtreſs and non-payment it ſhall be lawful for the ſaid mayor, *&c.* by warrant to commit ſuch offender to the common gaol or houſe of correction of the city or county where convicted for three months, unleſs payment be made before; and one moiety of all ſuch penalties ſhall be paid to the informer, and the other moiety to the treaſurer of *Greenwich Hoſpital* for the uſe of the hoſpital; but in caſe any ſuch offender think himſelf aggrieved by ſuch conviction, and within the ſaid five days enter into a recognizance with two ſureties in the penal ſum of 20*l.* before ſuch magiſtrate before whom he is convicted (which recognizance ſhall be returned within 14 days, to the court of the mayor and aldermen) conditioned for his perſonal appearance at ſome court of the mayor and aldermen within ſix weeks after the acknowledging ſuch recognizance, or at the next court of conſervancy for the county in which ſuch offence is committed, and to abide ſuch order as ſhall be made by ſuch court, then the goods ſo diſtrained ſhall be returned; and the court of mayor and aldermen, or court of conſervancy, is upon a petition of appeal to appoint a time for the hearing ſuch appeal, and to cauſe notice to be given to the parties, and to ſummon witneſſes, and to examine ſuch witneſſes upon oath, and finally to determine the matter; and the ſaid courts reſpectively ſhall order all or any of the penalties incurred by any of the parties complaining to be mitigated, or ſet aſide ſuch conviction, or confirm the ſame, and award reaſonable coſts to be paid by the appellant; and the ſaid court of mayor and aldermen, or court of conſervancy, may on forfeiture of any ſuch recognizance eſtreat the ſame into the exchequer, there to be proceeded upon, as eſtreats from any court of conſervancy held by the mayor of the ſaid city.

CCIV. *Sect.* 12. The mayor, recorder or any alderman or juſtice before whom any perſon ſhall be convicted, ſhall cauſe ſuch conviction to be drawn up in the form or the effect following; *viz.*

To wit, *BE it remembered, that on this day of in the year of his Majeſty's reign,* A. B. *is convicted before me, one of his Majeſty's juſtices of the peace for the city or county of* (as the caſe ſhall be) *for*
(here ſet forth the offence) *and I do adjudge him to pay and forfeit for the ſame the ſum of*

Given under my hand and ſeal the day and year aforeſaid.

And the ſaid mayor, *&c.* ſhall cauſe the ſame ſo drawn up to be written upon parchment, and tranſmitted to the court of mayor and aldermen, or court of conſervancy, to be filed amongſt the records of the court to which the ſame is tranſmitted; and in caſe any perſon ſo convicted appeal from the judgment of the ſaid mayor, *&c.* to the court of mayor and aldermen, or court of conſervancy, the ſaid court of mayor and aldermen, or court of conſervancy, ſhall upon receiving the conviction proceed to the hearing the appeal.

CCV. *Sect.* 13. No writ of *certiorari* or other proceſs for removal of any ſuch conviction, or any proceedings thereon, into any court of record at *Weſtminſter* ſhall be granted.

CCVI. *Sect.* 14. In caſe any perſon againſt whom a warrant ſhall be iſſued by the ſaid mayor, *&c.* either before or after conviction ſhall eſcape, or be in any other county or place out of the juriſdiction of ſuch perſon granting ſuch warrant, or if the goods of any offender convicted in purſuance of this act ſhall be in a different county, *&c.* than where the ſaid party was convicted, or the warrant of diſtreſs granted, it ſhall be lawful for the ſaid mayor, recorder or alderman, or any juſtice of peace of the county, *&c.* into which ſuch perſon ſhall eſcape, or where his goods ſhall be after ſuch conviction, upon proof upon oath of the hand-writing of the ſaid mayor, *&c.* granting ſuch warrant, to indorſe his name on ſuch warrant, and the ſame when ſo indorſed ſhall be a ſufficient authority to all peace officers to execute ſuch warrant in ſuch other county, *&c.* out of the juriſdiction of the perſon granting the ſaid warrant; and the ſaid mayor, *&c.* after indorſing the ſaid warrant may on the offender's being brought before him within his juriſdiction proceed to hear the complaint, as if it had originally

aroſe

aroſe within his juriſdiction, or direct the offender to be carried to the perſon who granted the warrant.

CCVII. *Sect.* 15. Nothing in this act ſhall prejudice the rights of the city of *London*, or any rights exerciſed by the mayor of the ſaid city as conſervator; or alter any power which at the time of making this act the mayor, commonalty and citizens of *London*, or the mayor of the city of *London* as conſervator of the *Thames* and *Medway*, did or might lawfully claim or exerciſe; and it ſhall be lawful for the mayor of the ſaid city as he hath uſed to do in other caſes, to inquire of and determine by preſentment or indictment taken before him as conſervator of the ſaid rivers, all unlawful fiſhing, and all other offences contrary to ſuch rules as ſhall be made by the court of mayor and aldermen, and approved of as aforeſaid; and upon conviction of any offender, to impoſe a fine not exceeding the penalties inflicted by the ſaid rules; which fine ſhall be applied as the penalties inflicted by the court of conſervancy; but no perſon ſhall be puniſhed twice for the ſame offence.

CCVIII. *Sect.* 16. All actions and informations for any thing done in purſuance of this act ſhall be commenced within ſix months after the cauſe of action ſhall accrue; and the defendant may plead the general iſſue; and if the plaintiff become nonſuit, *&c.* the defendant ſhall recover double coſts; and this act ſhall be taken as a public act.

CCIX. *Sect.* 17. The 24 *Geo.* 2. *cap.* 44. **Juſtices of peace** ſo far as it relates to the rendering juſtices of peace more ſafe in the execution of their office, ſhall extend to the mayor, recorder and every alderman of *London*, and to every juſtice of peace acting in the execution of this act; and no action ſhall be commenced againſt, nor any writ ſued out, or copy of writ ſerved upon, the water-bailiffs his aſſiſtants or any officer for any thing done in execution of this act, until notice in writing be given him or left at his uſual place of abode by the attorney for the party, one month before the commencing ſuch action, *&c.* which notice ſhall contain the name and place of abode of the perſon who is to bring ſuch action, together with the cauſe of action, and the name and place of abode of the ſaid attorney ſhall be underwrote or indorſed thereon; and the ſaid water-bailiff, his aſſiſtants, and the other officers may at any time within one calendar month after ſuch notice, tender amends for the injury complained of to the party complaining or to the ſaid attorney; and if the ſame is not accepted the defendant may plead ſuch tender in bar of ſuch action, together with the general iſſue, or any other plea with leave of the court; and if upon iſſue joined upon ſuch tender, the jury finds the amends tendered to have been ſufficient, they ſhall find a verdict for the defendant; and in ſuch caſe, or if the plaintiff become nonſuit, *&c.* the defendant ſhall be intitled to double coſts; and if the jury find that no ſuch tender was made, or that the amends tendered were not ſufficient, and alſo find againſt the defendant on ſuch other plea, they ſhall find a verdict for the plaintiff, and ſuch damages as they think proper; for which the plaintiff ſhall have judgment together with his coſts.

CCX. *Sect.* 18. Saving to the King and all bodies politic, and to the high court of admiralty, and all other courts and perſons, all fines, forfeitures, penalties, amerciaments, and wreck of ſea, payable in reſpect of the ſaid fiſhery or drudging, or otherwiſe, and all rights; and all ſuch right and conſervation, and inquiry and puniſhment for the offences aforeſaid, as they lawfully have or ought to have.

CCXI. *Sect.* 19. This act ſhall not prejudice any of the rights of the admiralties or vice-admiralties of *Kent* or *Eſſex*, or any piſcaries belonging to the city of *London*, or any other city or town corporate, or any lords of manors, owners or occupiers of any rivers, creeks, ſtreams or fiſheries adjacent to, or within any part of the ſaid limits, or the rights of any other perſons within the limits aforeſaid.

CCXII. *Sect.* 20. Nothing in this act ſhall extend to any fiſherman or drudgerman, who do or ſhall inhabit in any of the cinque-ports, or their members, or in the city of *Rocheſter*, or the towns or places of *Strood*, *Chatham*, *Frindſbury*, *Gillingham*, *Milton*, *Queenborough*, *Feverſham*, *Whitſtaple*, or the places adjacent; but ſuch fiſhermen and drudgermen may uſe their trades of fiſhing and drudging and ſelling, as they have heretofore lawfully done.

CCXIII. *Sect.* 21. Nothing herein ſhall extend to impower the ſaid mayor, court of mayor and aldermen, the water-bailiff, or any other perſon to grant any licence,

or to make any rules whereby any licence ſhall be required to be taken by any fiſherman, drudgerman, or other perſon for going out to fiſh, fiſhing or drudging, or whereby any gratuities ſhall be paid by any fiſherman, *&c.* to the water-bailiff or his ſucceſſors, or to any other perſon; or whereby any ſuch fiſherman, *&c.* ſhall be obliged to appear before the ſaid mayor, water-bailiff, or other perſon, to enter his name in any regiſter, or whereby any ſuch fiſherman, *&c.* ſhall be reſtrained from keeping any number of boys in any one boat, notwithſtanding 9 *Ann. cap.* 26. or any other law.

CCXIV. **Stat.** 30 *Geo.* 2. *cap.* 30. *ſect.* 1. The bounty of 30*s. per* ton granted and continued by 23 *Geo.* 2. *cap.* 24. *ſect.* 11. and 28 *Geo.* 2. *cap.* 14. *ſect.* 4. ſhall ceaſe, and in lieu thereof a bounty of 50*s. per* ton on the veſſels imployed in the white herring fiſheries ſhall be paid for ſuch term of years to the ſociety, and ſuch other perſon as would have been intitled to the ſaid bounty of 30*s. per* ton; and ſuch bounty of 50*s. per* ton ſhall be paid at ſuch times, in ſuch manner and by ſuch perſons, and out of ſuch monies as the ſaid bounty of 30*s. per* ton is by the ſaid two acts directed to be paid.

CCXV. *Sect.* 2. It ſhall be lawful for the ſaid ſociety, and all other perſons imployed in the ſaid fiſheries, in lieu of the nets by the 23 *Geo.* 2. *cap.* 24. *ſect.* 13. directed, to make uſe of ſuch nets in the white herring fiſheries, as they find beſt adapted to the fiſheries.

CCXVI. *Sect.* 3. Provided that each buſs carry to ſea the like quantity of netting in the whole as ſuch buſs is now bound to carry by the ſaid act.

CCXVII. *Sect.* 4. Where it ſhall happen that the nets to be imployed in the ſaid fiſheries, ſhall by the liberty by this act given vary from the ſize and form of the nets in the ſaid act directed, ſo much of the certificate in the ſaid act directed to be given by the officer appointed to examine the buſſes employed in the white herring fiſheries, as relates to the fiſhing nets on board each buſs, and ſo much of the oath directed to be made by the owners or their agent, or of a proper officer or agent of the ſociety, and of the maſter and chief officer of ſuch veſſel, as relates to the nets on board ſuch veſſel, ſhall be made conformable to ſuch alterations as may be made in ſuch nets.

CCXVIII. *Sect.* 5. After the two fiſheries called *The Shetland* and *Yarmouth fiſheries* ſhall be over in every year, it ſhall be lawful for the ſociety in the mean time and until the commencement of the next enſuing fiſhing ſeaſon, to employ in any other buſineſs not prohibited by law ſuch of their buſſes and no others, as ſhall have been *bona fide* imployed in the ſaid two fiſheries then laſt preceding during the whole time of ſuch two fiſheries.

CCXIX. *Sect.* 6. So much of the 29 *Geo.* 2. *cap.* 23. *ſect.* 1. as relates to the thickneſs of the barrels to be uſed in the packing of white herrings and wet white fiſh in *Scotland*, ſhall not extend to barrels made uſe of by the ſaid ſociety, or by any perſons following the ſaid white herring fiſheries, by virtue of the 23 *Geo.* 2. *cap.* 24.

CCXX. *Sect.* 7. The ſaid ſociety and all perſons employed in the ſaid fiſheries ſhall have the free uſe of all ports, harbours, ſhores and forelands in *Great Britain*, or the iſlands belonging to the crown of *Great Britain*, below the higheſt high water-mark and for the ſpace of 100 yards on any waſte or uncultivated land beyond ſuch mark within the land, for landing their nets, caſks and other materials, and ſtores, and for erecting tents, huts and ſtages, and for the landing, pickling, curing and reloading their fiſh, and in drying their nets without paying any foreland or other dues, or any other conſideration for ſuch liberty (except as herein after excepted): and if any perſon demand or receive any dues, or other conſideration for the uſe of any ſuch ports, *&c.* within the limits aforeſaid, or obſtruct the perſons employed in the taking or curing of fiſh or drying their nets in the uſe of the ſame, every perſon ſo offending ſhall for every ſuch offence forfeit 100*l.*

CCXXI. *Sect.* 8. Nothing in this act ſhall extend to exempt the veſſels employed in the ſaid fiſheries from the payment of ſuch harbour or pier dues as by law ought to be demanded for ſhips or boats in piers or harbours artificially made.

CCXXII. *Sect.* 9. The penalty before-mentioned ſhall be proſecuted by bill, *&c.* in any court of record at *Weſtminſter*, or in the court of exchequer in *Scotland* reſpectively;

tively; wherein no eſſoin, *&c.* ſhall be allowed; and one moiety of ſuch penalty ſhall be to the uſe of his Majeſty, and the other moiety to ſuch perſon as will ſue for the ſame.

CCXXIII. *Sect.* 10. The ſaid bounty of 50 *s. per* ton ſhall not be paid in reſpect of any veſſels, until it appear to the ſatisfaction of the commiſſioners of the cuſtoms, by certificates or receipts from the receiver of the duty of 6 *d. per* man *per* month payable out of ſeamens wages for the ſupport of *Greenwich* hoſpital, that all monies payable on account of ſuch duty from any veſſel in reſpect whereof ſuch bounty is demanded have been paid.

CCXXIV. **Stat.** 33 *Geo.* 2. *cap.* 27. *ſect.* 1. So much of the 29 *Geo.* 2. *cap.* 39. **London,** as obliges the fiſhermen and others, maſters or owners, or having the conduct of any fiſhing veſſel coming from ſea for the ſupply of *London* and *Weſtminſter*, to enter their fiſhing veſſel with his Majeſty's ſearchers at *Graveſend*, and to the payment to ſuch ſearcher of 2 *s.* for the certificate of ſuch entry, and to report the time of the arrival of ſuch fiſhing veſſel at the *Nore*, to his Majeſty's ſearchers at their office at *Graveſend*, or to the chief officer of his Majeſty's cuſtoms there, ſhall be repealed.

CCXXV. *Sect.* 2. The maſter, owner, chief officer, or mariner who ſhall have the care of any veſſel made uſe of for the catching or importing of fiſh as aforeſaid, ſhall within three days after the arrival of ſuch fiſhing veſſel at the *Nore* with any ſuch fiſh, report the time of ſuch arrival to the perſon who ſhall act as deputed clerk in the coaſt office under the collector outward in the port of *London* at the *Cuſtom-houſe* in *London*; who is to enter the ſame in a book to be kept for that purpoſe, and to give a certificate thereof if required to ſuch maſter, *&c.* and there ſhall be paid to ſuch deputed clerk for entering ſuch report and giving a certificate two ſhillings; which ſhall be applied in manner following, *viz.* ſix-pence ſhall be retained by ſuch deputed clerk, and one ſhilling and ſix-pence ſhall be paid by ſuch deputed clerk to the truſtees of the fiſh market in *Weſtminſter*, or ſuch perſon as they or five of them ſhall by writing appoint; and the receipt of ſuch perſon ſhall be a diſcharge to ſuch deputed clerk: and the money received by ſuch perſon ſhall be applied by the ſaid truſtees to the like uſes as the money by the 29 *Geo.* 2. *cap.* 39. to be paid them by the ſearchers at *Graveſend*, was directed to be applied, *viz. to pay the inſpectors of the fiſhing veſſels mentioned in the ſaid act for their trouble and the charges of a boat, ſuch yearly ſum as the ſaid truſtees or nine of them ſhould think fit, and the ſurplus to be applied as the ſurplus ariſing from the tolls and duties of* 22 Geo. 2. cap. 49. *viz. in apprenticing boys to the ſea-ſervice.* See **London.**

CCXXVI. *Sect.* 3. If the maſter, *&c.* of any ſuch fiſhing veſſel ſhall not within three days next after his arrival at the *Nore* enter ſuch fiſhing veſſel with ſuch deputed clerk at the ſaid coaſt office, then on information on oath before any juſtice of the counties of *Kent*, *Surry*, *Eſſex* or *Middleſex*, or of the cities of *London* or *Weſtminſter*, or before the mayor, recorder or aldermen acting as magiſtrates within the towns of *Queenborough* and *Graveſend*, or before the mayor, recorder or aldermen of any other corporate town between *Queenborough* and *Graveſend* and the city of *Weſtminſter*, and on ſuch maſter, *&c.* being convicted of having neglected to make ſuch entry either on confeſſion or by the oath of one witneſs, the owner of every ſuch fiſhing veſſel ſhall for every ſuch offence forfeit 50 pounds.

CCXXVII. *Sect.* 4. Every maſter, *&c.* ſhall at the time of his making the report hereby required, give to the ſaid deputed clerk at the ſaid coaſt office an account either in writing or printed, of all freſh ſalmon, ſalmon trouts, turbots, and large freſh cod, and half freſh cod fiſh, haddock, ſcate fiſh, freſh ling, lobſters, ſoles, and whitings, brought alive to the *Nore* in ſuch fiſhing veſſel; upon pain that the owner of every ſuch fiſhing veſſel whoſe maſter, *&c.* ſhall neglect to give ſuch account, or ſhall give any falſe account, ſhall on ſuch maſter, *&c.* being convicted either on confeſſion or by the oath of one witneſs before any ſuch juſtice forfeit 20 *l.* or if any ſuch maſter, *&c.* or any perſon on board ſuch fiſhing veſſel after her arrival at the *Nore* ſhall wilfully deſtroy or throw away any fiſh which the ſaid fiſhing veſſel ſhall have brought from the ſea, that is not unwholeſome or unmarketable, ſuch maſter, *&c.* ſhall be

committed to the houſe of correction to be kept to hard labour for any time not exceeding two months nor leſs than one month.

CCXXVIII. *Sect.* 5. All the above mentioned forfeitures ſhall be levied by warrant of any juſtice of peace as aforeſaid, by diſtreſs and ſale of the goods of the owners of the fiſhing veſſel whoſe maſter, *&c.* ſhall be convicted of any ſuch offence, or by diſtreſs and ſale of the fiſhing veſſel, or of any nets, tackle or furniture belonging to ſuch fiſhing veſſel, with the coſts of ſuch diſtreſs and ſale.

CCXXIX. *Sect.* 6. The perſon who ſhall act as deputed clerk at the ſaid coaſt office under the collector outward, ſhall receive at the ſaid coaſt office every report of the time of the arrival of every ſuch fiſhing veſſel at the *Nore*, and enter the ſame in a book; and ſhall receive at the ſaid coaſt office every account of the freſh ſalmon, ſalmon trout, turbot, and large freſh cod, and half freſh cod fiſh, haddock, ſcate fiſh, freſh ling, lobſters, ſoles, and whitings, brought in any ſuch fiſhing veſſel to the *Nore*; and ſhall with all convenient ſpeed cauſe the ſame to be entered in a book; which book ſhall be kept at the ſaid coaſt office, and may be in office hours inſpected by any perſon.

CCXXX. *Sect.* 7. Such deputed clerk ſhall on *Monday*, *Wedneſday*, and *Friday* in every week, return unto the mayor of *London* in *London*, and to ſuch perſon as the truſtees of the fiſh market at *Weſtminſter* ſhall appoint in *Weſtminſter*, and to the inſpector as aforeſaid at ſuch place as the ſaid truſtees ſhall by any writing appoint and give notice thereof to the deputed clerk, an account of the time when every fiſhing veſſel ſhall have been entered at the ſaid coaſt office as having arrived at the *Nore*, and alſo of the aforeſaid fiſh entered at the ſaid coaſt office as brought to the *Nore*; upon pain that if ſuch deputed clerk offend in the premiſſes and be convicted either on confeſſion or by the oath of one witneſs before any juſtice as aforeſaid, he ſhall forfeit five pounds.

CCXXXI. *Sect.* 8. No live ſalmon, ſalmon trout, turbot, large freſh cod, half freſh cod, haddock, ſcate, freſh ling, ſoles, or whitings, ſhall after the arrival thereof at the *Nore*, be put into any well boat or ſtore boat out of any ſuch fiſhing veſſel in which the ſame is brought to the *Nore*; upon pain that every perſon offending ſhall forfeit 20 *l.* and no ſuch fiſh ſhall be unloaded out of any fiſhing veſſel unleſs by retail, into any other veſſel after her arrival at the *Nore*, but into a veſſel or boat employed to carry the fiſh directly to the market of *Billingſgate* or *Weſtminſter*; and no ſuch boat after ſuch fiſh put therein ſhall loiter or keep from going on directly to the market to which ſuch boat is appointed; and in caſe ſuch boat remain above one tide with her fiſh in her way between the place of ſuch taking in and the market at *Billingſgate* or *Weſtminſter*, or remain without delivering her fiſh there at or before the next market, (accidents of winds and weather excepted) every perſon acting contrary to the ſaid prohibitions, ſhall be committed to the houſe of correction to be kept to hard labour for any time not exceeding two months, nor leſs than one month.

CCXXXII. *Sect.* 9. The inſpector appointed under the 29 *Geo.* 2. *cap.* 39. ſhall employ himſelf as the ſaid truſtees ſhall direct, in examining whether the entries made at the ſaid coaſt office (and whereof copies ſhall be tranſmitted to him) were made within the time the ſame ought to have been, and according to the account tranſmitted from the ſaid coaſt office to ſuch inſpector, ſo as the better to diſcover and prevent the frauds deſigned to be remedied by the ſaid act, and this act; and ſee that no fiſh be put in any ſtore or well boats contrary to this act; and if any ſuch inſpector be negligent or wilfully miſbehave himſelf, being convicted either on confeſſion, or the oath of one witneſs before any juſtice as aforeſaid, he ſhall forfeit for every ſuch neglect or wilful miſbehaviour 20 *l.*

CCXXXIII. *Sect.* 10. No perſon who ſhall ſell or be concerned in the ſale of any freſh fiſh by commiſſion, ſhall directly or indirectly buy any freſh fiſh to ſell again for his own ſeparate account or for the joint account of himſelf and any other perſon. And if any perſon offend, and be convicted either on confeſſion, or by the oath of one witneſs by any ſuch juſtice as aforeſaid, he ſhall forfeit 50 *l.*

CCXXXIV. *Sect.* 11. Bret or turbot, brill or pearl, although under the dimenſions mentioned in 1 *Geo.* 1. *cap.* 18. *ſect.* 7. may be expoſed to ſale in *England*, ſo as the ſame be not ſold by retail at a price exceeding ſix-pence a pound for every pound any

ſuch

ſuch bret or turbot under the dimenſion of 16 inches, or any ſuch brill or pearl under the dimenſion of 14 inches ſhall weigh: and if any perſon aſk, or take for any ſuch bret, turbot, brill or pearl, under the dimenſions aforeſaid, any higher price than at the rate of ſix-pence the pound, or refuſe or neglect to weigh and meaſure any ſuch bret or turbot, brill or pearl, expoſed to ſale, when required, every ſuch bret or turbot, brill or pearl, ſhall be forfeited: and it ſhall be lawful for any perſon to ſeize and deliver the ſame into the hands of a conſtable, and to charge ſuch conſtable with the party who aſked or took any higher price; and ſuch conſtable is to carry the party ſo charged, and alſo the bret or turbot, brill or pearl, ſo ſeized and delivered to him, with all convenient ſpeed before ſome juſtice of peace, within whoſe juriſdiction any higher price than as aforeſaid was aſked or taken: and if the perſon charged with ſuch offence be convicted either on confeſſion or by the oath of one witneſs, he ſhall forfeit 20 *s.* for every ſuch offence, and the bret or turbot, brill or pearl, ſo ſeized, ſhall by order of ſuch juſtice be given to the perſon who ſhall proſecute to conviction ſuch offender; and the money paid for ſuch bret or turbot, brill or pearl, ſhall be returned to the party who paid the ſame.

CCXXXV. *Sect.* 12. No perſon ſhall ſell or expoſe to ſale at the firſt hand, at any fiſh market within the limits of the weekly bills of mortality, or within 150 yards of any ſuch fiſh market, and during the market hours, any freſh ſalmon, ſalmon trout, turbot, large freſh cod fiſh, or half freſh cod fiſh, haddock, ſcate fiſh, freſh ling, lobſters, ſoles, or whitings, before he has firſt placed up in ſome conſpicuous manner on or over the place at which he ſhall expoſe ſuch fiſh to ſale, an account wrote or printed of all ſuch fiſh which he then has to ſell; diſtinguiſhing the ſorts and the quantity of every ſort: and if at any time of the day, in which ſuch account has been ſo placed up, and before the fiſh market of that day be ended, any other freſh ſalmon, *&c.* be brought to ſuch ſaleſman to ſell before he expoſes to ſale any of ſuch other freſh ſalmon, *&c.* he ſhall add an account thereof to the account before put up: and ſhall take care that every ſuch account continue up where firſt placed, until all the fiſh ſpecified therein be ſold or the fiſh market of the day be ended, without being defaced: upon pain that every one offending, and convicted (except of the taking down, or defacing ſuch account,) on confeſſion, or by oath of one witneſs before any ſuch juſtice as aforeſaid, ſhall forfeit 10 *l.* and every perſon convicted of taking down or wilfully defacing any ſuch account whilſt the ſame ought to have continued up, ſhall forfeit 40 *s.*

CCXXXVI. *Sect.* 13. No perſon ſhall take or deſtroy or knowingly have in his poſſeſſion, either on the water or on ſhore, or bring to ſhore, or cry, carry about, or expoſe to ſale, or exchange for any goods, any ſpawn, fry, or brood of fiſh, or any unſizeable fiſh, or any fiſh out of ſeaſon, or any ſmelt which ſhall not be full five inches in length, from the noſe to the utmoſt extent of the tail; and if any offend, it ſhall be lawful for any perſon to ſeize all ſuch ſpawn or unſizeable fiſh, *&c.* wherever found, with all baſkets and package in which found, and to charge a conſtable or other peace officer with ſuch offender; and after ſeizure the ſpawn or fiſh, with the baſkets ſhall be delivered to ſome conſtable or peace officer; and ſuch conſtable, *&c.* is to carry ſuch offender and ſuch ſpawn or fiſh, with the baſkets, *&c.* before ſome juſtice to be dealt with according to law; and on conviction ſuch offender ſhall forfeit all ſuch ſpawn, fry or brood of fiſh, unſizeable fiſh, and fiſh out of ſeaſon, and every ſmelt of leſs ſize than five inches ſo ſeized, with all baſkets or package in which ſeized, and all ſuch ſpawn or unſizeable fiſh, *&c.* with the package ſhall by order of the juſtice be delivered to the perſon who ſeized the ſame; and every offender convicted ſhall beſides forfeit for every ſuch offence 20 *s.*

CCXXXVII. *Sect.* 14. The under water-bailiff of *London*, and the officers of the city of *London* called *The yeomen of the waterſide*, ſhall take care that the proviſions hereby made concerning the ſale of freſh fiſh in the fiſh-market at *Billingſgate*, and for puniſhing perſons who ſhall have there any ſpawn, brood or fry of fiſh, or unſizeable fiſh, or fiſh out of ſeaſon, or ſmelts of leſs ſize than five inches, be carried into execution; and ſhall take care that the proviſions made by 9 *Ann. cap.* 26. againſt regrating of fiſh at the market of *Billingſgate* or within 150 yards of *Billingſgate* dock be obſerved; and lay information from time to time before ſome juſtice of peace of the city of *London*, againſt every perſon whom the ſaid under-bailiff, or any yeoman of

of the waterſide at any time finds to offend: and the perſons appointed by the truſtees to ſuperviſe the fiſh-market of the city of *Weſtminſter* ſhall take care that the proviſions hereby made concerning the ſale of freſh fiſh in the fiſh-market at *Weſtminſter*, and for puniſhing perſons who have there any ſpawn, brood or fry of fiſh, or unſizeable fiſh, or fiſh out of ſeaſon, or ſmelts of leſs ſize than five inches, be carried into execution: and if the under water-bailiff, or any yeoman of the waterſide of the city of *London*, or perſon appointed to ſuperviſe the fiſh-market of *Weſtminſter*, be negligent, or offend in the premiſſes, and be convicted, either on confeſſion or by the oath of one witneſs before any juſtice of peace within whoſe juriſdiction any ſuch neglect or offence is committed, every ſuch offender ſhall forfeit 5 *l.*

CCXXXVIII. *Sect.* 15. Any juſtice of peace as aforeſaid within his juriſdiction ſhall on application, grant his warrant to levy any money forfeited by this act, on the conviction of any offender, by diſtreſs and ſale of the goods of the perſon convicted with the coſts of diſtreſs and ſale (except in the caſes before provided, to charge the owners of ſuch fiſhing veſſels) and one moiety of all the money forfeited for any offence againſt this act (the application whereof is not before appropriated) ſhall be paid to the perſon who proſecutes, and the other moiety, except where the conviction is for any offence in the city of *Weſtminſter*, or for not making the entry at the coaſt office at the time of the arrival of any ſuch fiſhing veſſel at the *Nore*, ſhall be paid to the uſe of the poor of the pariſh in which the offence is committed: and where any conviction is for any offence in the city of *Weſtminſter*, or for not reporting the time of the arrival of any ſuch fiſhing veſſel, the moiety of the money forfeited ſhall be paid to the truſtees appointed to put the recited acts in execution, to be placed to the general account of ſurplus of profits ariſing from the fiſh market in *Weſtminſter*, and to be appropriated as the ſaid ſurplus in the 22 *Geo.* 1. *cap.* 49. is directed: and if ſufficient diſtreſs cannot be found, every ſuch offender, ſhall by warrant of one juſtice directed to ſome peace officer be committed to ſome houſe of correction of the county or place where apprehended, to be kept to hard labour for any time not exceeding three months, unleſs the money forfeited be ſooner paid.

CCXXXIX. *Sect.* 16. No perſon ſhall be puniſhed for any offence againſt this act, unleſs a proſecution be commenced within two months after ſuch offence, or who has been puniſhed for ſuch offence under any other law; and where any perſon is committed to any houſe of correction for default of payment, or for want of ſufficient diſtreſs, and remains there during the time for which he is committed, no ſuch perſon ſhall be liable afterwards to be proſecuted again for non-payment of ſuch money forfeited: and any perſon inhabiting any pariſh in which any offence againſt this act is committed ſhall be a competent witneſs.

CCXL. *Sect.* 17. Any juſtice of peace before whom any offender is convicted may mitigate any of the penalties under 5 *l.* ſo as ſuch mitigation doth not extend to remit above one half of the penalty; and every ſuch mitigation ſhall be a diſcharge to the perſon offending for ſo much.

CCXLI. *Sect.* 18. The juſtice before whom any perſon is convicted ſhall cauſe ſuch conviction to be drawn up in the form, or to the effect following; *viz.*

To wit, BE *it remembered, That on this day of in the year of the reign of A. B. is convicted before of his Majeſty's juſtices of the peace for the county of or city of or corporation of* (as the caſe ſhall be) *for and do adjudge him, her or them,* (as the caſe ſhall be) *to pay and forfeit the ſum of*

Given under our hands and ſeals (*or my hand and ſeal*) the day and year aboveſaid.

CCXLII. *Sect.* 19. It ſhall be lawful for any perſon who thinks himſelf aggrieved by the conviction of any juſtice againſt this act, or the 29 *Geo.* 2. *cap.* 39. to appeal to the next general or quarter ſeſſion for the county or place; the perſon ſo appealing firſt entering into a recognizance in double the ſum forfeited before ſuch juſtice, to proſecute ſuch appeal with effect and abide by the order made on ſuch appeal, and giving eight days notice in writing of ſuch intention to appeal to the party on whoſe

proſecution ſuch conviction was made: and the juſtices of the county, *&c.* in which ſuch conviction is made are in their next general or quarter ſeſſions after ſuch appeal to hear and determine ſuch appeal, and to make ſuch order, and to award ſuch coſts as ſeems reaſonable; and to levy by their order or warrant the coſts, with ſuch money as they adjudge forfeited, by diſtreſs and ſale of goods; and for want of diſtreſs to commit the party to the common gaol of the county, *&c.* in which he is apprehended, to be kept to hard labour for ſix months, unleſs the money adjudged forfeited as well as the coſts be ſooner paid; and ſuch order of ſuch general or quarter ſeſſions ſhall be final; and no proceedings of any juſtices out of ſuch ſeſſion or in ſeſſion in purſuance of this act ſhall be removeable by *certiorari*, or otherwiſe.

CCXLIII. *Sect.* 20. If any action be commenced againſt any perſon for any thing done in purſuance of this act, ſuch action ſhall be brought within ſix months after the fact, and ſhall be laid in the county or place in which ſuch offence is committed, and the defendant may plead the general iſſue; and if the plaintiff be nonſuit, *&c.* the defendant ſhall be paid treble coſts.

See **Berwick, Cuſtoms, Game, Greenland, London, Rivers, Ships,** viz. 13 *Eliz. cap.* 11. *ſect.* 6.

Flax and hemp.

VII. **Stat.** 16 *Geo.* 2. *cap.* 26. *ſect.* 6. In caſe the certificate directed by the 7 & 8 *Will.* 3. *cap.* 39. to be brought by the maſter of any ſhip importing from *Ireland* any of the manufactures made there of hemp or flax into *England*, expreſs the name and place of abode of the perſons who have *bona fide* ſworn the ſame to be of the manufacture of *Ireland*, and the other directions in the ſaid act (excepting the exporter or other perſon ſwearing ſuch goods were of the growth of *Ireland*) be purſued, it ſhall be lawful to import directly from *Ireland* into *England* any manufactures made of hemp or flax in *Ireland* (as may now by law be imported) free from all duties.

Foreign ſtates.

IV. **Stat.** 29 *Geo.* 2. *cap.* 17. *ſect.* 1. If any ſubject of the crown of *Great Britain* accept any military commiſſion, or otherwiſe enter into the military ſervice of the *French* king as a commiſſioned or non-commiſſioned officer without leave of his Majeſty, under the ſign manual, every perſon ſo offending being convicted ſhall be adjudged guilty of death, and ſhall ſuffer death as in caſes of felony without benefit of clergy.

V. *Sect.* 3. If any commiſſioned or non-commiſſioned officers or private ſoldiers (ſubjects of the crown of *Great Britain*) now in the ſervice of the *French* king continue in ſuch ſervice after the 29th of *September* 1757. without leave from his Majeſty under the ſign manual, all perſons ſo offending being convicted ſhall be adjudged guilty of felony, and ſhall ſuffer death as in caſes of felony without benefit of clergy.

VI. *Sect.* 4. If any ſubject of the crown of *Great Britain* hath engaged, contracted or agreed, or ſhall engage, *&c.* within *Great Britain* or *Ireland*, to go beyond the ſeas or embark with an intent and in order to inliſt and enter himſelf to ſerve as a ſoldier in any foreign ſervice, though no inliſting money be paid to or received by him; or if any perſon hath hired, retained, engaged or procured, or ſhall hire, *&c.* any ſubject of his Majeſty, though no inliſting money hath been or ſhall be paid to or received by him, to agree to go beyond the ſeas, or embark with an intent and in order to be inliſted to ſerve any foreign prince, ſtate or potentate as a ſoldier, without leave of his Majeſty firſt obtained, every perſon ſo offending being convicted ſhall be adjudged guilty of felony, and ſhall ſuffer death as in caſes of felony without benefit of clergy.

VII. *Sect.* 5. If any of his Majeſty's *Britiſh* ſubjects accept of commiſſions in the corps in the ſervice of the ſtates general of the united provinces, diſtinguiſhed by the name of *The Scotch Brigade*, and who are not already in that ſervice, every ſuch

perſon ſhall within ſix months after the date of his commiſſion, take and ſubſcribe the oaths of allegiance and abjuration in one of the courts at *Weſtminſter*, or at the general aſſizes or general quarter-ſeſſions of the peace for ſome county in *England*, or in the court of ſeſſion, court of juſticiary, court of exchequer in *Scotland*, or in a ſheriff or ſtewart court, or before the juſtices of peace at their quarter-ſeſſions there, or in the dominions of the ſtates general before his Majeſty's miniſter there; and every ſuch officer ſhall within ſix months after he has taken and ſubſcribed ſuch oaths, tranſmit a certificate thereof ſigned by order of ſuch court, or perſon before whom the ſame ſhall have been ſo taken, together with an account of the date of his commiſſion to his Majeſty's ſecretary at war, who is to regiſter the names of all ſuch officers, and the dates of their commiſſions; and every ſuch officer not now in the ſervice of the ſtates general who ſhall accept of a commiſſion in the corps aforeſaid, and ſhall not take and ſubſcribe the oaths aforeſaid, and tranſmit a certificate thereof, ſhall forfeit 500 *l.* to be recovered by action of debt, *&c.* in any court of record at *Weſtminſter*, or in the court of ſeſſion or exchequer in *Scotland*; one moiety whereof ſhall go to the perſon who ſhall ſue for the ſame, and the other moiety to his Majeſty, within one year after ſuch perſon ſo offending ſhall come into *Great Britain*.

VIII. *Sect.* 6. Any offence againſt this act though committed without this realm, may be alledged to be committed, and may be tried in any county in *Great Britain*.

IX. *Sect.* 7. No attainder for any offence made felony by this act ſhall make any corruption of blood, loſs of dower or diſheriſon of heir.

Foreſts.

LXXV. **Stat.** 28 *Geo.* 2. *cap.* 19. *ſect.* 3. If any perſon not having a right or legal licence to do the ſame ſet fire to, burn or deſtroy, or aſſiſt at the burning or deſtroying any goſs, furze or fern, upon any foreſt or chace within *England*, without the licence of the owner or the perſon intruſted with the care of ſuch foreſt or chace, or ſome part thereof, and being brought before a juſtice of peace for the county or place where ſuch foreſt or chace lies, ſhall be convicted by confeſſion or upon the oath of one witneſs, or upon the view of ſuch juſtice, every perſon ſo convicted ſhall for every ſuch offence forfeit any ſum not exceeding 5 *l.* nor leſs than 40 *s.* one moiety to the informer, and the other moiety to the uſe of the poor of the pariſh where the offence ſhall be committed; which penalty, in caſe the ſame be not paid, ſhall be levied by diſtreſs and ſale of the offender's goods by warrant of ſuch juſtice; and in caſe no ſufficient diſtreſs can be found, it ſhall be lawful for ſuch juſtice to commit ſuch offender to the common gaol of the county or place where ſuch offence ſhall be committed, for any time not exceeding three months nor leſs than one month.

See **Deer-ſtealers, Felony, Game.**

Forgery.

XX. **Stat.** 31 *Geo.* 2. *cap.* 22. *ſect. antepenult.* Whereas doubts may ariſe whether the puniſhment inflicted by 8 *Geo.* 1. *cap.* 22. on the ſpecies of forgery and offences therein mentioned, extends to the like offences in relation to ſuch capital ſtocks and funds as have been eſtabliſhed by parliament ſince the paſſing the ſaid act, and may be hereafter eſtabliſhed, be it enacted, that if any perſon forge or counterfeit, or procure to be forged, *&c.* or knowingly and wilfully aſſiſt in the forging, *&c.* any letter of attorney, or other authority or inſtrument, to tranſfer any ſhare in any ſuch capital ſtock or funds of any body corporate eſtabliſhed or which ſhall be eſtabliſhed by any act of parliament, or to receive any dividend attending ſuch ſhare or annuity in reſpect whereof the proprietors have ſuch ſhares; or ſhall forge, *&c.* the name of any proprietors of ſuch annuities or dividends to any ſuch inſtrument, or ſhall knowingly or fraudulently demand or endeavour to have ſuch ſhares transferred, or ſuch annuities or dividends received, by virtue of ſuch forged authority, or ſhall falſly and deceitfully perſonate any proprietors of the ſaid ſhares, *&c.* and thereby transferring or endeavouring to tranſfer the ſtock, or receiving or endeavouring to receive the

the money of ſuch proprietor; every ſuch perſon being convicted ſhall be deemed guilty of felony without benefit of clergy.

XXI. *Sect. penult.* Whereas doubts may ariſe whether the puniſhment inflicted by 2 *Geo.* 2. *cap.* 25. on the ſpecies of forgery therein mentioned, extends to the like forgeries, with intention to defraud any corporation, be it enacted, that if any perſon falſly make, forge or counterfeit, or cauſe to be falſly made, *&c.* or willingly aſſiſt in the falſe making, *&c.* any deed, will, teſtament, bond, writing obligatory, bill of exchange, promiſſory note for payment of money, indorſement or aſſignment of any bill of exchange, or promiſſory note, *&c.* or any acquittance or receipt for money or goods, with intention to defraud any corporation; or ſhall utter or publiſh as true any falſe, forged, or counterfeited deed, will, *&c.* with intention to defraud any corporation, knowing the ſame to be falſe, *&c.* every ſuch perſon being convicted ſhall be deemed guilty of felony without benefit of clergy.

It is made felony without benefit of clergy, to forge bank-notes, exchequer-bills *or* orders, *by the ſeveral acts of parliament relating to thoſe ſecurities.*

Fortifications.

I. Stat. 31 *Geo.* 2. *cap.* 39. *ſect.* 1. Whereas by the invaſion lately made on his Majeſty's dominions in *America* and the *Mediterranean*, and by preparations in *France* for invading theſe realms, it became neceſſary to erect fortifications near the docks of *Portſmouth*, *Chatham* and *Plymouth*, and certain lands herein after-mentioned lying near the ſaid docks have been made uſe of in making intrenchments and raiſing lines and fortifications, be it enacted, that all thoſe lands on which the line ranging north from the gun-wharf wall at *Plymouth Dock* in the pariſh of *Stoke Damerell* in the county of *Devon*, to the wharf of *Joſeph Hooper* ſhip-wright on the ſouth, and all thoſe lands on the north and eaſt ſides of the ſaid line, and all thoſe lands within the line, as the ſaid land is marked out for compleating the fortifications, or intended for the ſecurity of his Majeſty's dock-yards at *Plymouth*, all which lands are in the pariſh of *Stoke Damerell*, and contain together 195 acres one rood and nine rod, with all buildings thereon, and all ways, waters and appurtenances, and all that tenement with the outhouſes and appurtenances in or near *Plymouth*, adjoining to the north ſide of the citadel of *Plymouth*; and alſo all that parcel of marſh ground containing 16 acres three rood and 25 rod, near *Portſea Lake*, part of the *Great Marſh* belonging to *William Pike* of *Portſmouth* in the county of *Southampton* eſquire, and all that parcel of meadow containing two acres two rood and 28 perch, adjoining to the marſh ground laſt-mentioned, part of a meadow belonging to the ſaid *William Pyke*, and all that cottage and garden near the ſaid meadow, and all that parcel of waſte ground containing 95 acres one rood and eight rod, part of *Hilſey Green* otherwiſe *Hilſey Common*; all which grounds are in the pariſh of *Wimering* in the county of *Southampton*; and all the common field of *Hilſey* called *Breach* in the pariſh of *Wimering*, containing together 16 acres two roods and 23 rods and an half, and all that parcel of garden ground now taken into the ſaid field on the eaſt ſide from *Griffin's Tenement*, and all that paſture land at the north end of the ſaid field containing one acre and 19 rods, and all that barn and yard adjoining to the weſt ſide of the field in the occupation of *William Watmore*, all which premiſſes laſt-mentioned are in the pariſh of *Wimering*, and all that parcel of land containing two acres three rood and 31 rod, part of *Moor Cloſe* otherwiſe *Morrice Cloſe*, and all that paſture land containing two acres three rood and one rod, part of a cloſe called *Hambrooke*, and all that paſture land containing one acre three rood and 22 rod, part of a cloſe called *Haven's Croft*, all which three parcels of land are in the pariſh of *Portſea*, in the county of *Southampton*, near the fortifications of the town of *Portſmouth*; and thoſe three parcels of furze land containing 25 acres three rood and 16 perches, and two parcels of arable land containing 14 acres two rood and two perch, all which five parcels are on the north ſide of *Forton Lake* near *Goſport* in the pariſh of *Alverſtoke* in the county of *Southampton*; and alſo all that parcel of land near *Brompton* containing two acres two rood and 20 rod; and all that parcel of land adjoining to the laſt-mentioned land containing ſix acres three rood and

13 rod, which two pieces of land were formerly part of two fields called *Brick-Kiln Field* and *Great Binſteads*, and all that parcel of land lying at the ſouth eaſt corner of his Majeſty's lines at *Chatham*, containing four acres and one rood, in the occupation of *Thomas Field* innholder, all which three parcels of land are in or near *Chatham* in the county of *Kent*; are hereby veſted in *Arthur Onſlow* eſquire, and others named in the act, in truſt for ſuch perſons as at the making this act were the reſpective owners thereof, according to their ſeveral eſtates, until ſuch eſtates be determined, and the ſums of money and intereſt for the ſame at four *per cent.* for one year, for the groſs ſum aſſeſſed for the value thereof in manner after-mentioned ſhall be paid.

II. *Sect.* 2. Juſt compenſation ſhall be made out of the next aids to be granted in parliament for the lands before-mentioned.

III. *Sect.* 3. It ſhall be lawful for his Majeſty by one or more commiſſions by letters patent under the great ſeal of *Great Britain*, to authorize any number of commiſſioners to determine all claims to the ſaid lands, any five of whom ſhall determine upon the teſtimony of witneſſes upon oath, inſpection of deeds, or by inqueſt of 12 men, or otherwiſe, all rights and controverſies relating to the premiſſes, and ſhall by agreement with the owners, or by the inqueſt of 12 men determine the value thereof at the time the ſame were firſt made uſe of for the purpoſes aforeſaid; and they ſhall cauſe their decrees to be entered in books, and certified to the clerk of the crown in chancery, and to the king's remembrancer in the exchequer; and ſuch decrees ſhall be final, and conclude all perſons and bodies politic, notwithſtanding any diſability; copies of which decrees ſhall be laid forthwith before both houſes of parliament, that a compenſation may be made to the owners.

IV. *Sect.* 8. After payment of the ſums agreed for or aſſeſſed by the jury and decreed by the commiſſioners to the owners of the hereditaments before-mentioned, the truſtees ſhall be ſeiſed of ſuch part of the premiſſes as are ſo paid for, to the uſe of his Majeſty his heirs and ſucceſſors for ever, diſcharged of all right and demand by any perſon or bodies politic eccleſiaſtical or civil.

V. *Sect.* 9. No private building ſhall be erected upon any of the lands veſted in his Majeſty as aforeſaid; and the whole profits ariſing from the ſaid lands are hereby appropriated for the erection and reparation of the fortifications of each place; and all the premiſſes ſhall be unalienable from the crown, neither ſhall any part of the premiſſes be demiſeable, otherwiſe than during pleaſure.

VI. *Sect.* 10. It ſhall be lawful for the commiſſioners upon the complaint of any owner of any hereditaments adjoining to any part of the lands veſted in the ſaid truſtees, that he has received damage by making the ſaid fortifications, to inquire and make an eſtimate of ſuch damage; and ſhall return ſuch eſtimate as they return their decrees, and may alſo report their opinions what roads may be properly laid out for the conveniency of the owners of adjacent lands without prejudice to the fortifications.

VII. *Sect.* 11. It ſhall be lawful for the lords of the manor of *Stoke Damerell* and their tenants ſervants and agents, within ſuch diſtance from the high-water mark as ſhall be allotted by the commiſſioners, ſo as no prejudice be done to his Majeſty's ſoil or fortifications, to dig out of the cliffs and ſea banks between *Mutton Cove* and *Joſeph Cooper's* yard, and between the ſaid yard and the *Paſſage Houſe* near the ferry at *Stonehouſe*, lime ſtones and other ſtones, for the building and repairing houſes and paving ſtreets in the manor and pariſh of *Stoke Damerell*; and to build kilns under the ſaid cliffs for the burning the ſaid lime; ſo as no ſtones be dug nor any kiln erected within the diſtance of 150 yards on either ſide of the ſaid yard; and alſo to uſe the foot-way now uſed from *Stonehouſe Ferry* to *Dock Town*, and the way now uſed or ſome other way to be laid out by the principal officers of his Majeſty's ordnance, from *Mutton Cove* to *Dock Town*; and ſome way from the lime kiln now erected between *Hooper's Yard* and the *Paſſage Houſe* to the *Dock Town*, for conveying ſuch ſtones and lime and all materials for getting and manufacturing the ſame with horſes and carriages, at all convenient garriſon hours, from the ſaid cliffs and ſea banks to the *Dock Town*; ſo as the laying out or occupying the fortification on the premiſſes be not thereby prejudiced.

VIII. *Sect.*

VIII. *Sect.* 12. It ſhall be lawful for the lords of the manor of *Stoke Damerell* to uſe a landing-place in *Mutton Cove*, with ſufficient ground not exceeding one acre to build wharfs for landing and keeping goods, and to load and unload the ſame from or on board any ſhip, ſo as there be no other buildings erected on the ſaid acre than are now there; and alſo the way or ſome other way from *Mutton Cove* to *Dock Town* for horſes and carriages to and from ſuch wharfs to the *Dock Town*.

IX. *Sect.* 13. It ſhall be lawful for the lords of the manor of *Stoke Damerell* to uſe the landing-places now uſed for boats paſſing over the creek to and from *Dock Town*, and to and from *Mutton Cove*, and the houſe at *Stonehouſe Paſſage* called the *Paſſage Houſe*, with the appurtenances, together with the ways before-mentioned.

X. *Sect.* 14. No ferry nor ferry-boat ſhall be uſed for the paſſage over the ſaid creek to and from *Dock Town*, or to and from *Mutton Cove*, on any of the lands hereby veſted in the ſaid truſtees, other than for tranſporting ſoldiers, ſailors and marines, and ordnance, naval and victualling ſtores, or for any other uſe of his Majeſty, without the licence of the lords of the manor of *Stoke Damerell*.

XI. *Sect.* 15. No commiſſioner employed in the execution of this act ſhall be liable by reaſon of ſuch execution, to any of the penalties mentioned in 25 *Car.* 2. *c.* 2. **Recuſants,** or 1 *W. & M. cap.* 8. or 13 & 14 *Will.* 3. *cap.* 6. or 1 *Geo.* 1. *cap.* 13. **Oaths.**

XII. *Sect.* 16. Such commiſſioners ſhall not by reaſon thereof be diſabled from ſitting in the houſe of commons, or their election thereby become void.

XIII. **Stat.** 32 *Geo.* 2. *cap.* 30. Out of the ſupplies granted for the year 1759. there ſhall be iſſued 34,521 *l.* 15 *s.* 9 *d.* for making ſatisfaction to the owners of the lands and hereditaments mentioned in 31 *Geo.* 2. *cap.* 39. The ſurveyor general of the ordnance is to make out bills for the ſums reſpectively adjudged to the proprietors, with intereſt at four *per cent. per annum*; which bills are to expreſs the houſes or lands with the names of the perſons and the ſums they are to receive: and thereupon debentures are to be prepared by the clerk of the ordnance and ſigned by three principal officers of the ordnance, to be paid by the treaſurer of the ordnance, who is to take acquittances indorſed thereon. If any perſon refuſes to accept of ſuch debentures, the clerk of the ordnance is to leave them with the clerk of the peace of the county where the lands lie, and to take his acquittance: and the lands of the perſon refuſing to accept ſuch debenture ſhall be veſted to the uſe of his Majeſty. If any of the lands belong to any corporation or to any perſon not capable by law to take and diſpoſe of the money payable for the ſame, the money ſhall be paid to the deputy remembrancer of the exchequer, to be laid out in the purchaſe of other lands to be ſettled to the ſame uſes as by former eſtates; and until ſuch purchaſe to be placed out at intereſt.

XIV. *Sect.* 5. The lands purchaſed near *Portſmouth* and *Chatham* for fortifying the docks there, ſhall be chargeable with the land-tax, and all pariſh taxes: and ſhall as to ſo much as ſhall not be otherwiſe demiſed or occupied be charged to the ſtore-keeper of his Majeſty's ordnance at the reſpective places; and in caſe of non-payment may be levied on him.

XV. **Stat.** 33 *Geo.* 2. *cap.* 11. *ſect.* 14, *&c.* The monies directed to be paid by 32 *Geo.* 2. *cap.* 30. or this act, for the benefit of corporations, or perſons under a diſability to convey the lands purchaſed in purſuance of the ſaid acts, ſhall be paid to the deputy remembrancer of the exchequer; who is to ſign a certificate to the barons of the receipt of ſuch ſums, naming the owners for whoſe benefit the ſame is received; which certificate is to be filed in the exchequer; and a copy ſigned by the deputy remembrancer may be read as evidence. The deputy remembrancer is to pay the money received into the bank; to be placed out at intereſt, or laid out in purchaſes of lands, *&c.* to be ſettled to the ſame uſes as the former eſtates, by order of any two barons of exchequer. All mortgages, ſtocks and ſecurities ſo veſted in the deputy remembrancer, ſhall veſt in his ſucceſſors without aſſignment or transfer; and monies remaining in his hands ſhall be paid over to his ſucceſſor; and if no deputy be appointed, the truſts, powers and authorities by the former acts or this act veſted in the deputy remembrancer, ſhall veſt in the king's remembrancer.

The reſt of this act is for removing the magazine of gunpowder from Greenwich *to* Purfleet, *and being of a more private nature is left out of this abridgment.*

Franchiſes.

XXXVI. **Stat.** 13 *Geo.* 2. *cap.* 18. *ſect.* 6. For the more ſpeedy execution of proceſs within particular franchiſes or liberties, the ſheriff of every ſhire, being no city or town made a ſhire, within which there is any franchiſe or liberty, the lord or proprietor whereof is intitled to the return of writs within ſuch franchiſe, ſhall if required by ſuch lord or proprietor within one month next after ſuch requeſt, appoint one deputy or more, at the charge of ſuch lord, to be reſident at ſome convenient place in or near ſuch franchiſe to be appointed by the lord chancellor and the chief juſtices of the king's bench and common pleas or one of them, who ſhall ſettle what coſts ſhall be paid by ſuch lord; and ſuch deputy or deputies ſhall reſide at the place ſo appointed, and have authority in the ſheriff's name, to receive and open all ſuch writs the execution or return whereof belongs to the lord of ſuch franchiſe, and thereupon in the name and under the ſeal of the ſheriff to iſſue out ſuch warrant to ſuch lord as is requiſite, for the due execution of ſuch writs; and every ſuch deputy ſhall upon tender of any ſuch writ receive and open the ſame, and iſſue out ſuch warrant thereupon without delay, as the ſheriff himſelf may do, without taking any other fee than is accuſtomed; upon pain that every ſuch ſh riff or deputy guilty of any wiiful neglect, ſhall be liable to be puniſhed as for a contempt of one of the ſaid courts of chancery, king's bench or common pleas, and ſhall likewiſe make ſatisfaction to the party receiving damage thereby.

Funds.

XL. **Stat.** 20 *Geo.* 2. *cap.* 3. *ſect.* 58. Whereas the former duties on houſes repealed by this act, are together with other revenues called the *aggregate fund*, charged with ſeveral annuities, and by repealing the ſaid duties, the funds ſo charged may prove deficient; it is enacted that out of the duties on houſes by this act granted, there ſhall be applied to the aggregate fund the yearly ſum of 91,485 *l.* and 6 *d.* $\frac{1}{4}$ being the medium of the annual produce to the aggregate fund of the repealed duties on houſes.

XLI. **Stat.** 30 *Geo.* 2. *cap.* 19. *ſect.* 30. The ſurplus of the ſeveral duties on licences for retailing ſpirituous liquors granted by 16 *Geo.* 2. *cap.* 8. and 24 *Geo.* 2. *cap.* 40. after reſerving ſufficient to pay the annuity due to the bank (charged on the ſaid duties by 19 *Geo.* 2. *cap.* 6. and which after 5 *Jan.* 1758. will be reduced to 29,604 *l.* in conſequence of the 23 *Geo.* 2. *cap.* 1. for reducing intereſt) ſhall be kept apart from all other branches of the revenue, and be an additional fund for the payment of the annuities granted by this act. And the additional ſtamp duties and the aforeſaid ſurplus ſhall be appropriated to the payment of the annuities granted by this act.

XLII. **Stat.** 32 *Geo.* 2. *cap.* 22. *ſect.* 4. All the monies ariſen ſince 5 *Jan.* 1759. or that ſhall hereafter ariſe of the additional ſtamp duty on pamphlets and printed papers, the additional duty on coals exported, the ſurplus of the new duty on licences for retailing wine, and the ſurplus of the duties on licences for retailing ſpirituous liquors (which were made a fund for payment of three *per cent. per annum* at the bank on 3,000,000 borrowed by 30 *Geo.* 2. *cap.* 19. towards the ſupply of the year 1757. as alſo of the annuities on lives payable at the exchequer in reſpect of the ſame) ſhall be made part of the ſinking fund.

XLIII. **Stat.** 1 *Geo.* 3. *cap.* 19. It ſhall be lawful for his Majeſty to authorize the treaſury at any time before 5 *Jan.* 1762. to direct loans to be taken, or exchequer bills to be made out, for any ſum not exceeding 1,000,000; to be paid out of the next ſupplies, or if none be granted before 5 *July* 1762. out of the ſinking fund. The bank are impowered to advance the money.

Game.

LXVII. **Stat.** 26 *Geo.* 2. *cap.* 2. All actions to be brought by virtue of 8 *Geo.* 1. *c.* 19. for the recovery of any penalty for offences againſt any law for the preſervation of the game, ſhall be brought before the end of the ſecond term after the offence committed. *By* 2 Geo. 3. cap. 19. *the action is to be brought within ſix months; and the plaintiff is to recover the whole penalty to his own uſe.*

LXVIII. **Stat.** 28 *Geo.* 2. *cap.* 12. *ſect.* 1. If any perſon qualified or not qualified to kill game, ſell, expoſe, or offer to ſale, any hare, pheaſant, partridge, moor, heath-game or grouſe, every ſuch perſon ſhall for every ſuch offence be liable to the ſame penalties as are inflicted by the 5 *Ann. cap.* 14. upon higlars, chapmen, carriers, inn-keepers, victuallers or alehouſe-keepers, for buying, ſelling or offering of game to ſale.

LXIX. *Sect.* 2. If any hare, pheaſant, partridge, moor, heath game or grouſe, be found in the ſhop, houſe, or poſſeſſion of any poulterer, ſaleſman, fiſhmonger, cook or paſtry-cook, the ſame ſhall be deemed an expoſing thereof to ſale. The forfeitures ſhall be recovered, and penalties inflicted, by ſuch means and within ſuch time, and ſhall be applied to ſuch uſes, as are preſcribed by the 5 *Ann. cap.* 14. or any other act ſince made for the preſervation of the game.

See **Deer-ſtealers, Fiſh, Foreſts, Hawks, Swans.**

Glaſs.

I. **Stat.** 19 *Geo.* 2. *cap.* 12. *ſect.* 1. There ſhall be paid to his Majeſty over and above all other cuſtoms and duties, the additional duties herein after expreſſed, *viz.*

For all crown, plate, and flint glaſs, imported into *Great Britain*, 8 *d.* for every pound weight, and for all green or other glaſs imported, 2 *d.* for every pound weight; and for all bottles and flaſks containing the quantity of a quart, imported, 2 *s. per* dozen; and for all bottles and flaſks containing more or leſs than a quart, imported, 2 *s.* for every dozen quarts, be the quantity of bottles containing the ſame greater or leſſer; the ſaid duties to be paid by the importer.

II. *Sect.* 2. For all the materials or metal or other preparations made uſe of in the making of all crown, plate and flint glaſs, and all white glaſs, by what name ſoever called, 9 *s.* 4 *d.* for every hundred weight. And for all the materials or metal, or other preparations made uſe of in the making of common bottles, and all other green glaſs, 2 *s.* 4 *d.* for every hundred weight. The ſaid duties upon all ſuch materials to be paid by the maker.

III. *Sect.* 3. In caſe any ſuch crown, plate, flint or other glaſs, or ſuch bottles or flaſks imported, be landed before entry made at the cuſtom-houſe in the port where imported, and the duties paid or ſecured, or without a warrant for the landing of the ſame firſt ſigned by the commiſſioners, collectors or other proper officer of the cuſtoms, all ſuch imported goods or the value ſhall be forfeited, and may be ſeized or recovered of the importer, *viz.* one moiety to the uſe of his Majeſty, and the other moiety to the uſe of ſuch perſon as will ſeize, inform or ſue for the ſame in any court of record at *Weſtminſter*, or in the exchequer in *Scotland*, by action of debt, *&c.*

IV. *Sect.* 4. The duties upon imported glaſs by this act granted, ſhall be levied and paid in the ſame manner and under ſuch penalties as the duties upon imported manufactures of glaſs are by 2 *W. & M. cap.* 4. **Cuſtoms.** And ſuch of the ſaid duties upon imported glaſs as ariſe in *England*, *Wales* and *Berwick*, ſhall be under the management of the commiſſioners of the cuſtoms in *England*; and ſuch of them as ariſe in *Scotland* ſhall be under the management of the commiſſioners of the cuſtoms in *Scotland*. And all monies ariſing by the ſaid duties (neceſſary charges excepted) ſhall be paid into the exchequer at *Weſtminſter* apart from all other branches of the public revenues.

V. *Sect.*

V. *Sect.* 5. Such of the ſaid duties as are chargeable on the metals, materials and other preparations uſed in the making of glaſs in *England*, *Wales* or *Berwick*, ſhall be under the management of the commiſſioners of exciſe in *England*; and ſuch of the duties as are impoſed upon the metals, materials and other preparations uſed in the making of glaſs in *Scotland*, ſhall be under the management of the commiſſioners of exciſe in *Scotland*: and all monies ariſing by the ſaid duties (neceſſary charges excepted) ſhall be paid into the exchequer at *Weſtminſter* a part from all other branches of the public revenues.

VI. *Sect.* 6. Every maker of glaſs ſhall make an entry in writing at the office of exciſe, next to the place where ſuch glaſs is made, of the name of ſuch maker, and of all his furnaces, pots, pot-chambers, warehouſes, rooms, and other places for making or keeping of glaſs, or of materials mixed and prepared for making of glaſs, and ſhall not uſe any pot for making glaſs without firſt giving notice thereof to the officer for the ſaid duties, ſo that he may weigh, gauge, and take an account of the ſame; and if any maker of glaſs make uſe of any furnace, *&c.* for making or keeping of glaſs, or of materials mixed and prepared for making of glaſs, without making ſuch entry, or uſe any pot for the preparing or making of glaſs, without firſt giving ſuch notice, the offender for every ſuch offence ſhall forfeit 50 *l.* one moiety to the uſe of his Majeſty, and the other moiety to ſuch perſon who ſhall inform or ſue for the ſame.

VII. *Sect.* 7. Every maker of glaſs before he begins to fill any pot for making of glaſs, ſhall 12 hours before give to the officer of the place notice in writing of the time when ſuch filling is intended to be begun, with an account of the weight of the metal or preparation to be made uſe of, and the ſpecies of glaſs ſo to be made; on pain of forfeiting 50 *l.* at every time ſuch filling ſhall be begun without firſt giving ſuch notice.

VIII. *Sect.* 8. If ſuch intended filling be not begun purſuant to ſuch notice, ſuch notice ſhall be null; and every maker of glaſs who after the expiration of ſuch times mentioned in ſuch notice ſhall begin to fill ſuch pot without having firſt given a new notice, with an account of the weight of the metal, or preparation to be made uſe of, and the ſpecies of glaſs to be made, ſhall incur the like penalty as if he had not given any notice at all.

IX. *Sect.* 9. The officers of the ſaid duties ſhall at all times, by day or by night, be permitted upon requeſt to enter into workhouſes or other places for making of glaſs; and to weigh or take an account of the quantity of the metal and materials prepared before the ſame be put into ſuch pot, and to examine, gauge or take an account of the quantity of the ſaid metal and materials, after the ſame are put into ſuch pot, and ſhall thereof make report in writing to the reſpective commiſſioners of exciſe, or ſuch as they ſhall appoint, leaving a copy (if demanded) under their hands with ſuch maker; and ſuch report ſhall be a charge upon ſuch maker; and if the ſaid officer neglect to leave a copy of his report in writing with ſuch maker of glaſs, at the time of taking ſuch account, upon demand, for every ſuch offence he ſhall forfeit 40*s.* to ſuch maker of glaſs.

X. *Sect.* 10. Every officer impowered to make ſuch charge ſhall firſt be ſworn for the faithful execution of his office, by any of the commiſſioners of exciſe, or by any juſtice of peace, who ſhall give ſuch officer a certificate thereof; and every ſuch maker of glaſs ſhall keep ſcales and weights at the place where he makes ſuch glaſs, and aſſiſt the officer to make uſe thereof under the penalty of 50 *l.*

XI. *Sect.* 11. Where any materials ſhall be loſt, or become unfit for making glaſs, by the cracking or breaking of the pots, upon proof to the ſatisfaction of the commiſſioners of exciſe, ſuch allowance ſhall be made to the ſaid makers as by the commiſſioners ſhall be judged reaſonable.

XII. *Sect.* 12. If any maker of glaſs, or other perſon, obſtruct any of the ſaid officers in the execution of any of the powers given by this act, for aſcertaining and ſecuring the duties, the perſon ſo offending ſhall for every ſuch offence forfeit 50 *l.*

XIII. *Sect.* 13. During the continuance of the ſaid duties on glaſs, all perſons who make glaſs in *London*, or within the bills of mortality, ſhall monthly, and all perſons who make glaſs in any other part of *Great Britain*, ſhall once in every ſix weeks,

make

make a true entry in writing at the next office of exciſe, of the quantities of the materials mixed and uſed in each reſpective making of glaſs within ſuch month or ſix weeks; on pain of forfeiting for every neglect of entry 20 *l.* which entries ſhall be made upon oath by the makers of ſuch glaſs, or by their clerk, workman, or ſervant employed in making the ſame, (or upon affirmation, if he be a *Quaker*) and the ſaid entries and oaths ſhall, within the bills of mortality, be adminiſtered by an officer appointed by the commiſſioners of exciſe in *England*, who ſhall attend at the general exciſe office in *London* for that purpoſe, and in all other parts of *Great Britain* by the reſpective collectors or ſuperviſors of the diſtrict within which the reſpective makers of glaſs inhabit, without any fee.

XIV. *Sect.* 14. No maker of glaſs ſhall be obliged to go or ſend further than the market-town where his glaſs is made, or the next market-town to the place where his glaſs is made, for the making of ſuch entries.

XV. *Sect.* 15. All perſons who make glaſs in *London*, or within the bills of mortality, ſhall within four weeks, and all perſons who make glaſs in any other part of *Great Britain* ſhall within ſix weeks, after making ſuch entry pay all the ſaid duties; on pain of forfeiting for every neglect double the ſum neglected to be paid.

XVI. *Sect.* 16. It ſhall be lawful for any perſon having any glaſs for which the duty is paid, to export ſuch glaſs, giving ſecurity before the ſhipping thereof that it ſhall be ſhipped and exported, and no part relanded in *Great Britain*; which ſecurity the cuſtomer or collector of the port ſhall take in his Majeſty's name, and to his uſe.

XVII. *Sect.* 17. If after the ſhipping of any ſuch glaſs, and the giving ſuch ſecurity, the glaſs ſo ſhipped to be exported, or any of it, be relanded in *Great Britain*, over and above the penalty of the bond, which ſhall be recovered to his Majeſty's uſe, all the glaſs landed or the value ſhall be forfeited.

XVIII. *Sect.* 18. Any perſon who ſhall export any glaſs ſhall make proof upon oath, or by affirmation, that the duty of ſuch glaſs hath been paid (which oath or affirmation the collector who received the duty is to adminiſter) and thereupon the collector ſhall give to ſuch perſon *gratis* a certificate expreſſing the kinds and weight of ſuch glaſs, and the duties paid for the ſame; which certificate being produced to the cuſtomer or collector of the port where the glaſs is exported, and oath or affirmation being made by the exporter, before the ſaid cuſtomer or collector (who is to adminiſter the ſame without fee) that the glaſs ſo exported is the ſame mentioned in the certificate, then the cuſtomer or collector ſhall give to the exporter a debenture expreſſing the weight of the glaſs ſo exported; which debenture being produced to the collector of the ſaid duties in ſuch county or place, he ſhall pay to the perſons or agents ſo exporting the ſame, a drawback of 9 *s.* 4 *d.* *per* hundred weight for all crown, plate, flint, or white glaſs; and 2 *s.* 4 *d.* *per* hundred weight for all green glaſs made in *Great Britain*; and if ſuch collector have not money in his hands to pay the ſame, then the commiſſioners of exciſe in *Great Britain*, ſhall pay the ſaid debenture out of the duties upon glaſs ariſing by this act.

XIX. *Sect.* 19. No perſon ſhall import into *Ireland*, any crown, plate, or flint glaſs, or white glaſs, or any common bottles, or other green glaſs, or any glaſs whatſoever other than the manufacture of *Great Britain*; under the penalty of ſuch glaſs being forfeited and deſtroyed within 10 days after condemnation, and alſo the ſhip in which the ſame was imported with her furniture; and the maſter of ſuch ſhip and every other perſon concerned in importing or aſſiſting in the landing the ſame, ſhall forfeit 10 *s.* for every pound weight thereof.

XX. *Sect.* 20. The maſter of every ſhip which ſhall carry any crown, plate, or flint glaſs, or white glaſs, or any common bottles, or other green glaſs, or any glaſs whatſoever, to *Ireland*, ſhall take from the collector or comptroller of the port of *Great Britain*, where he lades ſuch glaſs, a duplicate of his contents in writing of all the glaſs taken on board his ſhip, before he be permitted to ſail, under the hand and ſeal of ſuch collector or comptroller, which ſaid duplicate ſhall be delivered without fee; and every maſter of ſuch ſhip ſhall deliver upon oath ſuch duplicate to the collector, comptroller, or other officer of the cuſtoms in ſuch port in *Ireland* where ſuch ſhip arrives, and intends to unlade, before he be permitted to land any ſuch glaſs: and if any glaſs be unladen in any part of *Ireland*, before ſuch duplicate is produced, all ſuch glaſs ſhall be forfeited and deſtroyed within 10 days after condemnation; and

alſo the ſhip in which the ſame was imported, be forfeited, with her furniture; and the maſter of ſuch ſhip and every other perſon concerned in importing of ſuch glaſs, or aſſiſting in the landing the ſame ſhall forfeit 10 *s.* for every pound weight thereof.

XXI. *Sect.* 21. If any perſon directly or indirectly export, or be any ways aſſiſting in the exporting, out of *Ireland*, any glaſs whatſoever, or directly or indirectly load upon any horſe or carriage, or any ſhip in *Ireland*, any glaſs with intent to export the ſame, or that any perſon ſhould export the ſame out of *Ireland*, every perſon ſo offending ſhall for every ſuch offence forfeit 10 *s.* for every pound weight of glaſs ſo exported or laden, and all the glaſs ſo exported or laden ſhall be forfeited and deſtroyed within 10 days after condemnation, and every ſhip or veſſel wherein any ſuch glaſs ſhall be ſhipped ſhall be forfeited with her furniture.

XXII. *Sect.* 22. The commiſſioners and ſub-commiſſioners of exciſe reſpectively, in their reſpective diſtricts in *Ireland*, or the major part of them, ſhall determine all offences againſt this act relating to the exportation or importation of glaſs; and they may proceed in a ſummary way, and give judgment, and levy the penalties in like manner as in caſes of exciſe in *Ireland*: one moiety of which penalties ſhall be to his Majeſty, and the other moiety to the officer or other perſon who ſhall ſeize, inform, or ſue for the ſame.

XXIII. *Sect.* 23. All contracts made before the 25 *March* 1746. for the purchaſe of home-made glaſs or glaſs bottles to be delivered at any future time, which ſhall not be performed before the ſaid 25 *March* 1746. ſhall be void. And if any money ſhall have been advanced by any purchaſer on account of any home-made glaſs, or glaſs bottles, which ſhall not be delivered before the ſaid 25 *March* 1746. all ſuch money ſhall be repaid to the perſon who advanced the ſame with intereſt from the time it was advanced.

XXIV. *Sect.* 28. All the powers which by an act of 12 *Car.* 2. *cap.* 24. **Exciſe**, or any other law relating to the exciſe upon liquors, are provided for managing the duties thereby granted (except in caſes for which other penalties or proviſions are preſcribed by this act) ſhall be exerciſed for managing the duties upon glaſs and ſpirituous liquors hereby granted.

XXV. *Sect.* 29. All fines impoſed by this act ſhall be ſued for as any fines by the laws of exciſe, or by action of debt, *&c.* in any court of record at *Weſtminſter*, or in the exchequer in *Scotland*: and one moiety of every ſuch fine ſhall be to his Majeſty, and the other moiety to him who ſhall diſcover, inform, or ſue for the ſame.

The duties granted by this act are appropriated for the payment of annuities of 4 per cent. *in reſpect of three millions to be raiſed by a loan and a lottery. And by* ſect. 82. *perſons ſued may plead the general iſſue; and prevailing ſhall have treble coſts.*

Gold and ſilver.

LXXXI. **Stat.** 12 *Geo.* 2. *cap.* 26. *ſect.* 1. No perſon making or dealing in gold or ſilver wares in *England*, ſhall make or procure to be made any gold veſſel, plate, or manufacture of gold leſs in fineneſs than 22 carracts of fine gold in every pound *troy*; nor make, *&c.* any ſilver veſſel, plate, or manufacture of ſilver, leſs in fineneſs than eleven ounces two peny-weight of fine ſilver in every pound *troy*; nor ſell, exchange, or expoſe to ſale, or export out of this kingdom any gold veſſel, *&c.* made after 28th *May* 1739. leſs in fineneſs than 22 carracts of fine gold in every pound *troy*; nor ſell, *&c.* any ſilver veſſel, *&c.* made after 28 *May* 1739. leſs in fineneſs than eleven ounces two peny-weight of fine ſilver in every pound *troy*; upon pain for every ſuch offence of forfeiting 10 *l.* and for default of payment, the offender ſhall be committed by the court in which judgment is given to the houſe of correction where convicted, to be kept to hard labour for any time not exceeding ſix months, or until payment.

LXXXII. *Sect.* 2. Nothing in this act ſhall extend to any jewellers works, *viz.* any gold or ſilver wherein any jewels or other ſtones are ſet (other than mourning rings) nor to any jointed night ear-rings of gold, or gold ſprings of lockets.

LXXXIII. *Sect.* 3. If any ſhopkeeper or other perſon dealing in gold or ſilver wares (not being the maker or worker thereof) happen to export, ſell, or expoſe to ſale any

gold or ſilver wares worſe than the reſpective ſtandards, and within 14 days next after notice of the coarſeneſs thereof diſcover to the party aggrieved, or to the maſter, wardens, or clerk of any of the companies of goldſmiths belonging to the place within which ſuch ſhopkeeper reſides, the name and place of abode of the maker or of the perſon of whom ſuch ſhopkeeper, *&c.* bought ſuch coarſe gold or ſilver wares, and produce him if living ſo that he may be proſecuted; and at any trial to be had againſt ſuch maker or perſon of whom the ſame were bought, for ſuch offence, give material evidence, and the judge before whom the cauſe is tried under his hand upon the record certify the ſame, and alſo that there did not on ſuch trial appear any ground to believe that ſuch ſhopkeeper, *&c.* was privy to ſuch fraud; or if ſuch ſhopkeeper, *&c.* on the trial of any ſuit or proſecution againſt himſelf concerning the premiſſes, prove that he delivered to ſuch maker or worker a ſufficient quantity of ſtandard gold or ſilver to make the ſaid wares, and paid a reaſonable price for the faſhion, or paid a market price for ſtandard gold or ſilver of that weight, beſides a reaſonable price for the faſhion; in either of the ſaid caſes ſuch ſhopkeeper, *&c.* ſhall be exempt from any penalty incurred by this act for exporting, ſelling, or expoſing to ſale ſuch coarſe gold or ſilver wares, and from any action or proſecution for the ſame.

LXXXIV. *Sect.* 4. It ſhall not be neceſſary for ſuch ſhopkeeper, *&c.* who ſold, *&c.* ſuch coarſe gold or ſilver wares to give ſuch material evidence, or to procure ſuch certificate in order to his indemnity, unleſs ſuch trial againſt ſuch maker or perſon of whom the ſame were bought, be had within four terms after ſuch diſcovery, nor unleſs reaſonable notice be given to ſuch ſhopkeeper, *&c.* of the time of ſuch trial.

LXXXV. *Sect.* 5. No perſon making or dealing in gold or ſilver wares, ſhall ſell, exchange, or expoſe to ſale in *England*, any gold or ſilver veſſel, plate, or manufacture of gold or ſilver made after the 28th of *May* 1739. or export the ſame until ſuch veſſel, *&c.* of gold, being of the ſtandard of 22 carracts of fine gold *per lb. troy*, and ſuch veſſel, *&c.* of ſilver being of the ſtandard of 11 *oz.* 2 *d. wt.* of fine ſilver *per lb. troy*, be marked with the mark of the maker, which ſhall be the firſt letters of his chriſtian and ſurname, and with theſe marks of the company of goldſmiths in *London*, *viz.* the leopard's head, the lion paſſant, and a diſtinct variable mark to denote the year in which ſuch plate is made; or with the mark of the maker and with the marks appointed by the aſſayers at *York*, *Exeter*, *Briſtol*, *Cheſter*, *Norwich*, or *Newcaſtle upon Tyne*; or plate, being of the ſtandard of eleven ounces ten peny-weight of fine ſilver *per* pound weight *troy*, with the mark of the maker, which ſhall be the firſt letters of his chriſtian and ſurname, and with theſe marks of the ſaid company, *viz.* the lion's head eraſed, the *Britannia*, and the mark to denote the year; or with the mark of the maker and the marks of one of the ſaid cities or towns; upon pain for every ſuch offence of forfeiting 10 *l.* and for default of payment, of being committed by the court in which judgment is given to the houſe of correction where convicted, to be kept to hard labour for any time not exceeding ſix months or until payment.

LXXXVI. *Sect.* 6. Nothing in this act ſhall oblige any of the following wares of gold or ſilver to be marked by the reſpective companies of goldſmiths, *viz.* rings, collets for rings, or other jewels, chains, necklace beads, lockets, hollow or raiſed buttons, ſleeve buttons, thimbles, corral ſockets and bells, ferrils, pipe lighters, cranes for bottles, very ſmall book claſps, any ſtock or garter claſps jointed, very ſmall nutmeg graters, rims of ſnuff boxes, whereof tops or bottoms are made of ſhell or ſtone, ſliding pencils, toothpick caſes, tweezer caſes, pencil caſes, needle caſes, any philligree work, any ſorts of tippings or ſwages on ſtone or ivory caſes, any mounts, ſcrews, or ſtoppers to ſtone or glaſs bottles, or phials, any ſmall or ſlight ornaments put to amber or other eggs or urns, any wrought ſeals, or ſeals with cornelian or other ſtones ſet therein, or any gold or ſilver veſſel, plate or manufacture of gold or ſilver ſo richly engraved, carved or chaſed, or ſet with jewels or other ſtones, as not to admit of an aſſay to be taken of, or a mark to be ſtruck thereon, without damaging the ſame, or ſuch other things as by reaſon of the ſmallneſs or thinneſs are not capable of receiving the marks, and not weighing ten peny-weight of gold or ſilver each.

LXXXVII. *Sect.*

LXXXVII. *Sect.* 11. It ſhall be lawful for any warden or deputy warden of the company of goldſmiths in *London*, or any warden or aſſayer of *York*, *Exeter*, *Briſtol*, *Cheſter*, *Norwich*, and *Newcaſtle upon Tyne*, having been a working goldſmith or ſilverſmith, to determine what ſoder is neceſſary in every piece of plate brought to the aſſay-offices to be marked, and how forward in the workmanſhip the ſame ought to be, and whether all the pieces are put together or not which are intended to be put together, on ſeeing the ſame; and when any of them adjudge any piece of plate to be too much charged with ſoder, or not forward enough in the workmanſhip, or the pieces not put together that are intended to be put together, or that any piece of plate is uncapable of being marked, he ſhall refuſe to permit the ſame to be marked.

LXXXVIII. *Sect.* 12. Every perſon who ſhall think himſelf aggrieved by the determination of ſuch warden or deputy warden of the company of goldſmiths in *London*, may appeal to the other wardens of the ſaid company, or any two of them, or to the meeting of the ſtanding committee of the ſaid company; and if not ſatisfied with the determination of the ſaid wardens or committee, may appeal to the court of aſſiſtants of the ſaid company, or may appeal in the firſt inſtance to the ſaid court of aſſiſtants, by writing deſiring their judgment, who upon ſuch complaint are to determine the ſame; but the determination of the court of aſſiſtants of the ſaid company ſhall be final.

LXXXIX. *Sect.* 13. It ſhall be lawful for the wardens and commonalty of goldſmiths in *London*, or ſuch perſon as the court of aſſiſtants of the ſaid company ſhall appoint, to take of all ſuch perſons as ſend to the aſſay-office belonging to the ſaid company, any piece of wrought plate of gold or ſilver to be marked, any prices not exceeding the prices following, *viz.* for aſſaying and marking gold watch caſes or gold watch boxes, 10 *d.* a-piece, for gold hooks for watch chains 10 *d.* for gold buckles 5 *d.* for gold ſnuff boxes 1 *s.* 3 *d.* for every other piece of wrought gold weighing 30 ounces or under 2 *s.* 6 *d.* for ſuch piece of wrought gold weighing above 30 ounces to 50 ounces 3 *s.* 9 *d.* and ſo in proportion.

XC. *Sect.* 14. If any parcel or ſingle piece of wrought gold be ſent to the ſaid office, which according to the rates ſhall not amount to 1 *s.* 3 *d.* then there ſhall be paid for aſſaying and marking a price not exceeding 1 *s.* 3 *d.*

XCI. *Sect.* 15. It ſhall be lawful for the ſaid wardens and commonalty, or ſuch perſon as the court of aſſiſtants appoint, to take of all perſons who ſend to the aſſay-office, any piece of large ſilver plate weighing four pound weight *troy* or leſs, for the aſſaying and marking a ſum not exceeding 5 *d.* and for every piece of ſuch plate weighing above four pound weight *troy*, there ſhall be taken out a diet not exceeding ten grains *per* pound weight *troy*: and the ſaid wardens and commonalty, and ſuch perſon as the court of aſſiſtants appoint, ſhall take for aſſaying and marking the ſeveral ſmall wares of ſilver following, of the perſon who brings the ſame to the aſſay-office any prices not exceeding the prices following, *viz.* for every ſword-hilt 5 *d.* for every ſnuff box three pence three farthings, for every pair of ſpurs three pence three farthings, for every watch-caſe or watch box two pence half-peny, for every knife or fork-haft five farthings, for every pair of buckles one half-peny, for every pair of tea-tongs five farthings, for every dozen of tea-ſpoons or tea-ſtrainers three pence three farthings, for belt-buckles, belt-locks, runners, and pendants two pence half-peny a-piece, for every orange-ſtrainer or nutmeg-grater five farthings, for every dram-cup three farthings, for every dozen of ſeals three pence three farthings, for every ſalt-ſeller five farthings, for every pair of claſps three farthings, and for every dozen of buttons three pence three farthings.

XCII. *Sect.* 16. If any parcel or ſingle piece of wrought ſilver plate be ſent to the ſaid office, which according to the rates, ſhall not amount to five pence, there ſhall be paid for aſſaying and marking a ſum not exceeding five pence.

XCIII. *Sect.* 17. If any perſon refuſe to pay ſuch prices, it ſhall be lawful for any warden or deputy-warden of the ſaid company to refuſe to aſſay or mark any of the plate of ſuch perſon ſo neglecting to pay, until ſuch prices be paid.

XCIV. *Sect.* 18. It ſhall be lawful for the aſſayers at *York*, *Exeter*, *Briſtol*, *Cheſter*, *Norwich*, and *Newcaſtle upon Tyne*, to take the like rates for aſſaying and marking wrought

wrought plate of gold or ſilver, as the company of goldſmiths in *London* are impowered to take; and may refuſe to aſſay or mark plate for default of payment.

XCV. *Sect.* 19. If the ſaid prices raiſe more money than ſufficient to defray the expences of the aſſay-offices, the overplus ſhall be applied in the proſecuting offenders againſt this act; and if ſuch proſecutions ſhall not require the whole overplus, then the prices ſhall be leſſened by the reſpective companies of goldſmiths; and they are to take ſo much leſs for the aſſaying and marking wrought plate for the future, as will anſwer the purpoſes aforeſaid, without bringing any profit to the ſaid companies.

XCVI. *Sect.* 20. The aſſay-office of the company of goldſmiths in *London* ſhall be kept open for taking in plate, from ſeven in the morning till nine of the morning, every working day or hall day; and the weigher ſhall take in the ſame, with the notes thereof, and ſhall weigh and take an account thereof before the ſame be aſſayed, and afterwards weigh the plate back, and deliver the ſame to the owner or his order. And whenever the common aſſayer of the company or his aſſiſtant (appointed by the court of aſſiſtants of the ſaid company, and ſworn truly to execute their offices) or any aſſayer at *York*, *Exeter*, *Briſtol*, *Cheſter*, *Norwich*, or *Newcaſtle upon Tyne*, ſhall find any parcel of plate to be of a coarſer allay than the reſpective ſtandards, and ſhall ſo report the ſame after three aſſays; then it ſhall be lawful for any warden or deputy-warden of the goldſmiths in *London*, or any warden of the company at any of the places aforeſaid, to cut and deface ſuch parcel of plate, at any time after three days next after the laſt aſſay and not ſooner, unleſs the perſon who ſent the ſame deſire it to be broken and delivered to him ſooner; and there ſhall nevertheleſs be paid for aſſaying the ſame ſuch prices as are before limited.

XCVII. *Sect.* 21. After 28 *May* 1739. every perſon who ſhall make, or cauſe to be made, any gold or ſilver veſſel, or manufacture of gold or ſilver in *England*, ſhall firſt enter his new marks, names, and places of abode, in the aſſay-office of the company of goldſmiths in *London*, or in the aſſay-office at *York*, *Exeter*, *Briſtol*, *Cheſter*, *Norwich*, or *Newcaſtle upon Tyne*; which new marks ſhall be different from their old marks; and all his old marks ſhall be broken or defaced in the preſence of the aſſayer; on pain for every offence of forfeiting 10*l.* and the further ſum of 10*l.* for uſing any other mark, and for default of payment ſhall be committed by the court in which ſuch judgment is given to the houſe of correction where convicted, to be kept to hard labour for any time not exceeding ſix months, or until payment.

XCVIII. *Sect.* 22. The ſaid penalties and forfeitures ſhall be recovered, with full coſts of ſuit, by action, *&c.* in any court of record at *Weſtminſter*; in which actions the defendants ſhall put in ſpecial bail; and wherein no eſſoin, *&c.* ſhall be allowed; and one moiety of the penalties ſhall go to his Majeſty, and the other moiety to the perſon who ſhall ſue for the ſame.

XCIX. *Sect.* 23. If any ſuit be commenced againſt any perſon for any thing done in purſuance of this act, the action ſhall be commenced before the end of the next term after the fact committed; and ſhall be laid in the county or place where the aſſay-office is, whoſe officer is complained of; and the defendant may plead the general iſſue, *&c.* and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble damages.

C. *Sect.* 24. This act ſhall be deemed a public act.

CI. **Stat.** 15 *Geo.* 2. *cap.* 20. *ſect.* 1. All copper, braſs, and every metal inferior to ſilver, ſhall be ſpun upon thread, yarn, or incle only, and not ſpun, mixed, wove, wrought or ſet upon ſilk; upon pain that every perſon offending therein ſhall forfeit 5*s.* for every ounce ſo ſpun or ſet upon ſilk.

CII. *Sect.* 2. All ſilver wire to be drawn for the making of ſilver thread, ſhall hold at leaſt 11 ounces 15 peny weight of fine ſilver upon the pound weight troy; and all ſilver to be gilt and made uſe of in the wire-drawers trade, ſhall hold at leaſt 11 ounces 8 peny-weight of fine ſilver upon the pound weight troy, and ſhall not have leſs than four peny-weight four grains of fine gold, without allay, laid upon each pound weight of the ſaid ſilver; upon pain, that the refiner or maker ſhall forfeit 5*s.* for every ounce ſo made contrary to this act.

CIII. *Sect.* 3. No gilt wire ſhall be coloured with verd-greaſe or deadhead, or any other forced colour; upon pain of forfeiting 2*s.* and 6*d.* for every ounce ſo colour-

ed. And for all gold and ſilver prepared as aforeſaid and reduced into plate, there ſhall be allowed at the leaſt ſix ounces of the ſaid plate to cover four ounces of ſilk, except large twiſt, freeze, freezon, froſt and cheque, and except round brocade uſed in making brocaded gold and ſilver ſilks or ſtuffs only, in which there ſhall be allowed at the leaſt ſix ounces of the ſaid plate to cover five ounces of ſilk; all which gold and ſilver plate ſhall be ſpun cloſe upon well boilded and light died ſilk only, except froſt, being run thin, and ſpun upon different coloured ſilk; and if any ſpinner or other perſon lay gold or ſilver plate upon any greater proportions of ſilk, or in any other manner than before directed (except as before excepted) he ſhall forfeit 2*s.* 6*d.* for every ounce ſo ſpun.

CIV. *Sect.* 4. If any perſon ſell, or offer to ſale, any gold or ſilver orrice lace, mixed with any other metal or materials than gold or ſilver, ſilk and vellum, he ſhall forfeit for every ounce 2*s.* 6*d.*

CV. *Sect.* 5. If any perſon ſell any gold or ſilver wire, plate, thread, lace, or fringe, by any other weight than troy weight, he ſhall forfeit for every ounce ſo ſold 5*s.*

CVI. *Sect.* 6. If any maker or ſeller make or ſell any goods mixed with gold or ſilver thread or plate, made contrary to the intent of this act, he ſhall forfeit 5*s.* for every ounce of gold and ſilver thread or plate ſo made or ſold.

CVII. *Sect.* 7. No gold or ſilver thread, lace, fringe, or other work made thereof, or any thread, lace, fringe, or other work made of copper, braſs, or any other inferior metal, or gold or ſilver wire or plate, ſhall be imported into *Great Britain*; upon pain of being forfeited and burnt, and alſo of 100*l.* to be paid by the importer for every parcel.

CVIII. *Sect.* 8. Every ingot or bar of ſilver deſigned to be made uſe of for gilt wire, ſhall be weighed in the preſence of the officer of exciſe, who attends the forge where ſuch ingots or bars are made, before the ſame is covered with gold; and ſhall be weighed in the preſence of and marked by the ſaid exciſe officer, after the gold is laid thereupon; and if any refiner or maker refuſe to permit the exciſe officer to be preſent when ſuch ingots or bars are weighed, either before or after the covering the ſame with gold, he ſhall forfeit 20*l.*

CIX. *Sect.* 9. Of the ſeveral penalties inflicted by this act, one moiety ſhall be to the uſe of his Majeſty, and the other moiety to him that ſhall inform or ſue for the ſame; and may be recovered by action of debt, *&c.* in any court of record at *Weſtminſter*; wherein no eſſoin, *&c.* ſhall be allowed.

CX. *Sect.* 10. If any perſon be ſued for what he ſhall do in the execution of this act, he may plead the general iſſue; and if the plaintiff be nonſuit, *&c.* the defendant ſhall recover treble coſt.

CXI. *Sect.* 11. Every ſuit or proſecution to be brought by virtue of this act, ſhall be commenced within ſix months after the offence committed.

CXII. *Sect.* 14. Nothing in this act ſhall extend to prohibit any copper, braſs, or other metal inferior to ſilver (ſpun upon thread, yarn or incle, as this act directs) being wrought or ſewed with ſilk, upon any garment or apparel uſed in theatrical entertainments only.

CXIII. *Sect.* 15. This act ſhall be deemed a public act.

CXIV. **Stat.** 22 *Geo.* 2. *cap.* 36. *ſect.* 1. No foreign embroidery or gold or ſilver brocade ſhall be imported into *Great Britain*; upon pain of being forfeited and burnt, and upon the further penalty of 100*l.* to be paid by the importer for each piece imported.

CXV. *Sect.* 2. No perſon ſhall ſell or expoſe to ſale or otherwiſe diſpoſe of any foreign embroidery, gold or ſilver thread, lace, fringe, brocade, or any other work made thereof, or of gold or ſilver wire, or plate, wove or manufactured in foreign parts, or ſew, work, or make up the ſame for any wearing apparel; upon pain that all ſuch foreign embroidery, *&c.* and the garment, or other materials, in, with or upon which the ſame ſhall be ſo ſewed or made up, ſhall be forfeited and burnt; and every perſon who ſhall ſell, expoſe to ſale, or diſpoſe of, or knowingly ſew, work or make up, or cauſe to be worked or made up, in any garment any ſuch foreign embroidery, *&c.* ſhall for every ſuch offence forfeit 100*l.*

CXVI. *Sect.*

CXVI. *Sect.* 3. All foreign embroidery, *&c.* ſeized within this kingdom, whether mixed or made up with any other materials or otherwiſe, and the apparel upon which the ſame is made up, ſhall be forfeited, and after condemnation burnt; and the dealer in, or vender or maker up of, any of the ſaid manufactures, in whoſe houſe or poſſeſſion the ſame is found, being convicted ſhall for each piece of ſuch foreign embroidery, *&c.* found in his houſe or poſſeſſion, and brought or continued there with his knowledge, forfeit 100*l.*

CXVII. *Sect.* 4. All foreign embroidery, *&c.* ſo ſeized ſhall after comdemnation be, together with the garment or other materials with which the ſame is mixed or made up, publicly burnt at ſuch places as the commiſſioners of the cuſtoms in *England* or *Scotland* reſpectively ſhall direct.

CXVIII. *Sect.* 5. The penalties in this act ſhall be proſecuted by bill, *&c.* in any court of record at *Weſtminſter*, or in the court of exchequer in *Scotland*, wherein no eſſoin, *&c.* ſhall be allowed; and one moiety of the penalties ſhall be to the uſe of the king, and the other moiety to ſuch perſon as will ſue for the ſame.

CXIX. *Sect.* 6. If any queſtion ariſe where the ſaid goods were manufactured, the proof ſhall lie upon the owner, or perſon proſecuted.

CXX. *Sect.* 7. Nothing in this act ſhall inflict any penalty on the wearer of any foreign embroidery, *&c.*

CXXI. *Sect.* 8. All informations and ſuits brought for any offence againſt this or any former act which prohibits the importation or ſale of foreign embroidery, *&c.* ſhall be brought within 12 calendar months after the diſcovery of ſuch offence, and in caſe of ſeizure within three months after ſuch ſeizure.

CXXII. *Sect.* 9. Any perſon ſued for what he ſhall do in the execution of this act may plead the general iſſue; and if the plaintiff be nonſuit, *&c.* ſhall recover treble coſts.

CXXIII. **Stat.** 29 *Geo.* 2. *cap.* 14. *ſect.* 1. There ſhall be paid to his Majeſty for all ſilver plate in *Great Britain* the reſpective annual rates herein after expreſſed, *viz.*

For 100 ounces troy weight, and any greater quantity of ſilver plate not amounting to 200 ounces,		5 *s.*
For 200 ounces, and any greater quantity not amounting to 300 ounces,		10 *s.*
For 300 ounces, and any greater quantity not amounting to 400 ounces,		15 *s.*
For 400 ounces, and any greater quantity not amounting to 500 ounces,		20 *s.*
For 500 ounces, and any greater quantity not amounting to 600 ounces,	1 *l.*	5 *s.*
For 600 ounces, and any greater quantity not amounting to 700 ounces,	1 *l.*	10 *s.*
For 700 ounces, and any greater quantity not amounting to 800 ounces,	1 *l.*	15 *s.*
For 800 ounces, and any greater quantity not amounting to 900 ounces,	2 *l.*	
For 900 ounces, and any greater quantity not amounting to 1000 ounces,	2 *l.*	5 *s.*
For 1000 ounces, and any greater quantity not amounting to 1100 ounces,	2 *l.*	10 *s.*
For 1100 ounces, and any greater quantity not amounting to 1200 ounces,	2 *l.*	15 *s.*
For 1200 ounces, and any greater quantity not amounting to 1300 ounces,	3 *l.*	
For 1300 ounces, and any greater quantity not amounting to 1400 ounces,	3 *l.*	5 *s.*
For 1400 ounces, and any greater quantity not amounting to 1500 ounces,	3 *l.*	10 *s.*
For 1500 ounces, and any greater quantity not amounting to 1600 ounces,	3 *l.*	15 *s.*
For 1600 ounces, and any greater quantity not amounting to 1700 ounces,	4 *l.*	
For 1700 ounces, and any greater quantity not amounting to 1800 ounces,	4 *l.*	5 *s.*
For 1800 ounces, and any greater quantity not amounting to 1900 ounces,	4 *l.*	10 *s.*
For 1900 ounces, and any greater quantity not amounting to 2000 ounces,	4 *l.*	15 *s.*
For 2000 ounces, and any greater quantity not amounting to 2100 ounces,	5 *l.*	
For 2100 ounces, and any greater quantity not amounting to 2200 ounces,	5 *l.*	5 *s.*
For 2200 ounces, and any greater quantity not amounting to 2300 ounces,	5 *l.*	10 *s.*
For 2300 ounces, and any greater quantity not amounting to 2400 ounces,	5 *l.*	15 *s.*
For 2400 ounces, and any greater quantity not amounting to 2500 ounces,	6 *l.*	
For 2500 ounces, and any greater quantity not amounting to 2600 ounces,	6 *l.*	5 *s.*
For 2600 ounces, and any greater quantity not amounting to 2700 ounces,	6 *l.*	10 *s.*
For 2700 ounces, and any greater quantity not amounting to 2800 ounces,	6 *l.*	15 *s.*

For

For 2800 ounces, and any greater quantity not amounting to 2900 ounces,	7 *l.*	
For 2900 ounces, and any greater quantity not amounting to 3000 ounces,	7 *l.*	5 *s.*
For 3000 ounces, and any greater quantity not amounting to 3100 ounces,	7 *l.*	10 *s.*
For 3100 ounces, and any greater quantity not amounting to 3200 ounces,	7 *l.*	15 *s.*
For 3200 ounces, and any greater quantity not amounting to 3300 ounces,	8 *l.*	
For 3300 ounces, and any greater quantity not amounting to 3400 ounces,	8 *l.*	5 *s.*
For 3400 ounces, and any greater quantity not amounting to 3500 ounces,	8 *l.*	10 *s.*
For 3500 ounces, and any greater quantity not amounting to 3600 ounces,	8 *l.*	15 *s.*
For 3600 ounces, and any greater quantity not amounting to 3700 ounces,	9 *l.*	
For 3700 ounces, and any greater quantity not amounting to 3800 ounces,	9 *l.*	5 *s.*
For 3800 ounces, and any greater quantity not amounting to 3900 ounces,	9 *l.*	10 *s.*
For 3900 ounces, and any greater quantity not amounting to 4000 ounces,	9 *l.*	15 *s.*
And for 4000 ounces and upwards,	10 *l.*	

Which duties ſhall be paid yearly by all perſons and bodies politic who own, uſe, have or keep, any quantity of ſilver plate chargeable by this act.

CXXIV. *Sect.* 2. Such of the duties as are chargeable for ſilver plate in *England*, *Wales* or *Berwick*, ſhall be under the management of the commiſſioners of exciſe in *England*, and ſuch as are chargeable for ſilver plate in *Scotland*, ſhall be under the management of the commiſſioners of exciſe in *Scotland*; which commiſſioners of exciſe in *England* and *Scotland* reſpectively are to appoint officers for collecting the ſaid duties: and all monies ariſing thereby (the charges of raiſing and accounting excepted) ſhall be paid into the receipt of the exchequer at *Weſtminſter* apart from all other branches of the public revenues, and ſhall be made part of the ſinking fund.

CXXV. *Sect.* 3. All perſons and bodies politic who on the fifth of *July* 1756. own, uſe, have or keep, any ſilver plate chargeable by this act within the limits of the chief office of exciſe in *London*, ſhall within 30 days after the ſaid fifth of *July* 1756. give notice and make entry at the ſaid chief office of exciſe, of their owning, *&c.* ſuch ſilver plate, and of the number of ounces chargeable by this act, and of the place where ſuch perſons inhabit, or where ſuch bodies politic are ſituate, diſtinguiſhing whether the ſame be given on their own account, or on the account of any other and what perſons; and all perſons and bodies politic who after the ſaid 5 *July* 1756. ſhall own, *&c.* any ſilver plate chargeable by this act within the limits of the chief office of exciſe in *London*, ſhall within 20 days next after they begin to own, *&c.* any ſilver plate chargeable by this act, give the like notice, and make the like entry at the ſaid chief office of exciſe; and all perſons and bodies politic, who on the ſaid fifth of *July* 1756. own, *&c.* any ſilver plate, chargeable by this act in any other part of *Great Britain*, ſhall within 40 days after the ſaid fifth of *July* 1756. give the like notice, and make the like entry at the office of exciſe next to the place where ſuch perſons inhabit, or where ſuch bodies politic be ſituate; and all perſons and bodies politic who after the ſaid fifth of *July* 1756. ſhall own, *&c.* any ſilver plate chargeable by this act in any other part of *Great Britain*, ſhall within 20 days next after they begin to own, *&c.* any ſilver plate chargeable by this act, give the like notice, and make the like entry at the office of exciſe next to the place where ſuch perſons inhabit, or ſuch bodies politic be ſituate: and all perſons or bodies politic ſhall at the time of giving ſuch notice and making ſuch entry pay the reſpective annual duties; and the reſpective duties ſo to be paid by all perſons who on the ſaid fifth of *July* 1756. own, *&c.* any ſilver plate chargeable by this act, ſhall annually be computed from the ſaid fifth of *July* 1756. and the reſpective duties ſo to be paid by all perſons who after the ſaid fifth of *July* 1756. ſhall own, *&c.* any ſilver plate chargeable by this act, ſhall annually be computed from the time of their firſt beginning to own, *&c.* ſuch ſilver plate.

CXXVI. *Sect.* 4. All perſons obliged to give ſuch notice ſhall, within 30 days next after the commencement of each year for which the ſaid duties are payable, give a freſh notice as aforeſaid, and pay the reſpective annual duties above-mentioned, according to the number of ounces of ſilver plate chargeable by this act, which they then own, *&c.* and ſhall renew ſuch notice and make ſuch payment from year to year, as long as they continue to own, *&c.* any quantity of ſilver plate chargeable by this act; and

and if any perſon ſo owning, *&c.* any ſilver plate chargeable by this act, neglect to give ſuch firſt notice and make ſuch entry and payment, or to renew ſuch notice and make ſuch entry and payment yearly, or with intent to defraud his Majeſty conceal any ſilver plate, which he owns, *&c.* every ſuch perſon acting contrary to the directions of this act, ſhall for every ſuch offence forfeit 20*l.*

CXXVII. *Sect.* 5. Nothing in this act ſhall oblige any perſon to give any ſuch freſh notice and make any ſuch new entry or payment, between the commencement and expiration of the year for which any ſuch duties have been paid; although ſuch perſon acquire any additional quantity of ſilver plate.

CXXVIII. *Sect.* 6. Where the duties ſhall be paid, and notice given, and entry made, before any information laid for not having given ſuch notice and made ſuch entry and payment, or proſecution begun for the ſame, no perſon having given ſuch notice and made ſuch entry and payment, although not ſtrictly within the time preſcribed, ſhall be afterwards proſecuted for not having given ſuch notice and made ſuch entry and payment within the time limited.

CXXIX. *Sect.* 7. Nothing herein ſhall charge with the ſaid duties any perſons who on the ſaid fifth of *July* 1756. or at any time afterwards, ſhall keep and not uſe any ſilver plate pledged to, or depoſited with them by any other perſon.

CXXX. *Sect.* 8. The owner of ſuch plate ſo pledged or depoſited, ſhall during all ſuch time as ſuch plate is ſo kept, and not uſed by the perſon to whom pledged or depoſited, be liable to pay the duties.

CXXXI. *Sect.* 9. This act ſhall not charge with the duties any ſilver plate belonging to any place of religious worſhip, and uſed therein only, nor the ſtock in trade of any manufacturer or dealer in ſilver plate.

CXXXII. *Sect.* 10. Every ſuch manufacturer or dealer in ſilver plate ſhall give ſuch firſt notice, and make ſuch entry and payment, and renew ſuch notice, and make ſuch entry and payment yearly, for all ſilver plate uſed by him or in his family; on pain to forfeit for every neglect 20*l.*

CXXXIII. *Sect.* 11. If any perſon having given due notice, and made due entry and payment of the duty, for any ſilver plate, ſhall die before the end of the year for which ſuch payment is made, it ſhall be lawful for the perſon in whom the property of ſuch ſilver plate is immediately veſted upon ſuch death, to uſe ſuch ſilver plate during the reſidue of the year.

CXXXIV. *Sect.* 12. Upon the payment of the duties at the reſpective offices of exciſe, the names of the perſons or bodies politic, by whom or on whoſe account the ſame is paid, and the number of ounces of ſilver plate chargeable on ſuch perſons, and the names of the pariſh or place where ſuch perſons inhabit, or ſuch bodies politic are ſituate, ſhall be entered in a regiſter at the reſpective offices of exciſe, and a receipt (of which an indented duplicate ſhall be kept by the perſon receiving the money) ſhall be given to every perſon paying ſuch duties by the perſon ſo receiving the ſame, which receipt ſhall contain the number of the regiſter, the number of the ounces of ſilver plate ſo paid for, the ſum paid, and the time for which ſuch ſum is paid, and be a diſcharge to the perſons who own, *&c.* ſuch ſilver plate for the duties payable for ſuch number of ounces whereſoever the ſame be uſed or kept.

CXXXV. *Sect.* 13. All proſecutions for the recovery of the duties and for forfeitures and offences, ſhall be heard and determined, either by bill, *&c.* in any court of record at *Weſtminſter*, or in the court of exchequer in *Scotland*, or as hereafter is directed; *viz.* All proſecutions for forfeitures and offences within the limits of the chief office of exciſe in *London*, may be determined by three commiſſioners of exciſe in *England*; and in caſe of appeal (and not otherwiſe) by the commiſſioners for appeals, or the major part of them, whoſe judgment ſhall be final; and all proſecutions for forfeitures and offences in any other places in *Great Britain*, may be determined by two juſtices of peace near; and if either the informers or defendants think themſelves aggrieved by ſuch juſtices, it ſhall be lawful for every ſuch informer or defendant to appeal to the next quarter-ſeſſions for the county or place where the forfeitures are incurred, whoſe judgment ſhall be final; and the commiſſioners for exciſe, and commiſſioners for appeals (in caſe of appeal) and all juſtices of peace reſpectively, are upon complaint or information upon oath exhibited before them for any forfeiture or offence contrary to this act, to ſummon the party accuſed; and in caſe of any

ſuch complaint or information againſt any body politic, to ſummon the chief officer of ſuch body politic; and upon the appearance or contempt of any ſuch perſon ſo ſummoned, to proceed to the examination of the fact, and upon proof either by the confeſſion of the perſon ſummoned, or by the oath of one witneſs, to give judgment, and iſſue warrants under their hands for the levying of ſuch penalties upon the goods of ſuch perſon or body politic, and to cauſe ſale to be made of ſuch goods if not redeemed within 14 days, rendering the overplus; and for want of ſufficient diſtreſs, otherwiſe than in the caſe of a body politic, to impriſon the party offending till ſatisfaction be made.

CXXXVI. *Sect.* 14. All penalties recovered for any offences againſt this act (the charges for the recovery firſt deducted) ſhall be diſtributed, one moiety to his Majeſty, and the other moiety to him who ſhall inform or ſue.

CXXXVII. *Sect.* 15. If any perſon be ſued for any thing done by virtue of this act, he may plead the general iſſue; and if a verdict paſs for the defendant, *&c.* the defendant ſhall have treble coſts.

CXXXVIII. **Stat.** 31 *Geo.* 2. *cap.* 32. *ſect.* 1. The duty granted by 6 *Geo.* 1. *cap.* 11. *ſect.* 4. of 6 *d. per* ounce *troy*, upon all ſilver plate made or wrought in *Great Britain*, or which ought to be touched, aſſayed or marked in *Great Britain*, ſhall ceaſe, and all the powers and rules eſtabliſhed by the ſaid act or by any other act in relation to the managing and levying the ſaid duty, and all penalties in reſpect thereof, ſhall ceaſe, except in caſes relating to the recovering any arrears which may on 1 *June* 1758. remain unpaid of the ſaid duty, or to any penalty incurred upon or before the ſaid firſt of *June* 1758.

CXXXIX. *Sect.* 2. In lieu of the ſaid duty by this act repealed there ſhall be paid unto his Majeſty a duty of 40 *s.* for every licence to be taken out in manner herein after mentioned, by each perſon trading in gold or ſilver plate.

This duty is altered by 32 Geo. 2. cap. 24. ſect. 3.

CXL. *Sect.* 3. No perſon who doth or ſhall trade in, or ſell any gold or ſilver plate, ſhall preſume by him or herſelf, or by any other perſon, publicly or privately, to trade in or ſell any gold or ſilver plate, without firſt taking out a licence in manner hereafter mentioned, for which he ſhall upon taking out thereof pay 40 *s.* in manner following; *viz.* If ſuch licences be taken out in *London*, *Weſtminſter*, or in any other parts within the limits of the chief office of exciſe in *London*, then ſuch licences ſhall be granted under the hands and ſeals of two or more commiſſioners of exciſe; and the duty for the ſame ſhall be paid at the chief office of exciſe in *London*, or at any other place, and to ſuch perſon as the commiſſioners appoint to deliver out ſuch licences and receive the duty; but if ſuch licences be taken out without the limits aforeſaid, then ſuch licences ſhall be granted under the hands and ſeals of the collectors and ſupervifors of exciſe within their reſpective diſtricts, and the duty for the ſame be paid at the office of exciſe next adjoining to the place where the perſons taking out ſuch licences reſide, or at any other place, and to ſuch perſons as the commiſſioners of exciſe appoint to deliver out ſuch licences, and receive the duty; and in caſe ſuch licences be taken out within the limits of the city of *Edinburgh*, ſuch licences ſhall be granted under the hands and ſeals of two or more commiſſioners of exciſe in *Scotland*, and the duties paid at the chief office of exciſe in *Edinburgh*; but if ſuch licences be taken out in any other part of *Scotland*, without the limits aforeſaid, then ſuch licences ſhall be granted under the hands and ſeals of the collectors and ſupervifors of exciſe in *Scotland*, within their reſpective diſtricts, and the duties paid in like manner as is directed with regard to the licences in *England* without the limits of the chief office of exciſe in *London*; and ſuch commiſſioners of exciſe, and the perſons appointed by them, and all ſuch collectors and ſupervifors are reſpectively to deliver ſuch licences to all perſons applying, upon their payment of 40 *s.* for each licence.

CXLI. *Sect.* 4. Every perſon who ſhall take out any ſuch licence, is to take out a freſh licence 10 days before the expiration of 12 kalendar months after the taking out the firſt licence, before he preſume to trade in or ſell any gold or ſilver plate, and in the ſame manner to renew every ſuch licence from year to year, paying the like ſum of 40 *s.* for each new licence, at the places and at the times before mentioned;

tioned; and if any perſon trade in or ſell any gold or ſilver plate, without firſt taking out ſuch licence, and renewing the ſame yearly, he ſhall forfeit 20 *l.* for each offence.

CXLII. *Sect.* 5. No duty ſhall be paid for any quantity of ſilver plate entered upon the books of the exciſe officers, and not finiſhed and fit for uſe before the ſaid firſt of *June* 1758. but the perſons in whoſe names ſuch entries are ſhall be exonerated from all duty upon ſuch plate, or ſo much thereof as they ſhall produce to the officers of exciſe after the ſaid duty unfiniſhed and not fit for uſe.

CXLIII. *Sect.* 6. All perſons uſing the trade of ſelling gold or ſilver plate, or any goods compoſed of gold or ſilver, or any goods in which any gold or ſilver is manufactured; and all perſons employed to ſell any gold or ſilver plate, or any ſuch goods aforeſaid, at any auction or public ſale, or by commiſſion, ſhall be deemed traders in, or ſellers of gold or ſilver plate, within this act, and ſhall take out a licence for the ſame.

CXLIV. *Sect.* 7. Perſons in partnerſhip carrying on their trade in one houſe or tenement only, ſhall not be obliged to take out more than one licence in one year: and no licence for trading in or ſelling gold or ſilver plate, ſhall authorize any perſon to whom the ſame may be granted, and who ſhall ſell ſuch gold or ſilver plate in ſhops, to trade in or ſell ſuch gold or ſilver plate, in any other ſhop or place, except in ſuch houſes or places thereunto belonging, wherein he or ſhe inhabit at the time of granting ſuch licence, or in booths or ſtalls at fairs or markets.

CXLV. *Sect.* 8. All the money ariſing by the ſaid duty on licences (the charges of raiſing and accounting excepted) ſhall be paid into the receipt of the exchequer at *Weſtminſter*, ſeparate from all other branches of the public revenues; and ſhall be applied to the ſame uſes and in ſuch manner as the duty hereby repealed is by 6 *Geo.* 1. *cap.* 11. appropriated, ſubject to ſuch redemption as is mentioned in the ſaid act; and if any ſurplus remain of the produce of the duty hereby granted, ſuch ſurplus ſhall be reſerved for the future diſpoſition of parliament.

CXLVI. *Sect.* 9. No drawback ſhall be allowed upon the exportation of any ſilver plate imported into, or made or wrought in this kingdom, either before, on, or after the firſt of *June* 1758. and which ſhall be entered for exportation after the ſaid firſt of *June* 1758.

CXLVII. *Sect.* 10. This act ſhall not ſubject any perſon to any penalty for trading in gold or ſilver lace, or gold or ſilver wire, thread or fringe, without taking out ſuch licence as aforeſaid; nor alter any drawbacks payable upon the exportation of any ſuch lace, *&c.*

CXLVIII. *Sect.* 11. All proſecutions for recovery of penalties for offences againſt this act, ſhall be heard and determined either by bill, *&c.* in any court of record at *Weſtminſter*, or in the court of exchequer in *Scotland*, or in ſuch manner as hereafter is directed; *viz.* All proſecutions for penalties for offences within the limits or juriſdiction of the chief office of exciſe in *London*, may be determined by three commiſſioners of exciſe in *England*; and in caſe of appeal, by the commiſſioners for appeals or the major part of them, whoſe judgment ſhall be final; and all proſecutions for penalties for offences in any other places in *Great Britain*, may be determined by two juſtices of peace near; and if either the informers or defendants think themſelves aggrieved by the judgment of ſuch juſtices, it ſhall be lawful for ſuch informer or defendant, to appeal to the next quarter-ſeſſion for the county or place where the penalty is incurred, whoſe judgment ſhall be final; and the commiſſioners for exciſe, and commiſſioners for appeals, and all juſtices of peace reſpectively, are, upon complaint or information upon oath, of any offence againſt this act, to ſummon the party accuſed; and upon his appearance or contempt to proceed to the examination of the matter; and upon proof either by confeſſion of the perſon ſummoned, or by the oath of one witneſs to give judgment; and iſſue warrants under their hands for the levying of ſuch penalties upon the goods of ſuch perſon, and to cauſe ſale to be made of ſuch goods if not redeemed within 14 days, rendering to ſuch perſon the overplus; and for want of diſtreſs to impriſon the party offending till ſatisfaction be made.

CXLIX. *Sect.* 12. All penalties recovered for offences againſt this act (charges for recovery being firſt deducted) ſhall be diſtributed; one moiety for the uſe of his Majeſty, and the other to him who ſhall inform or ſue.

CL. *Sect.*

CL. *Sect.* 13. If any action be commenced for any thing done in purſuance of this act in *England*, the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts; and if ſuch action be commenced in *Scotland*, the court before whom ſuch action is brought, ſhall allow the defendant to plead this act on his defence, and if the purſuer ſhall not inſiſt on his action, or if judgment be given againſt ſuch purſuer, the defendant ſhall recover his full expences.

Sect. 14. *repeals* 12 Geo. 2. cap. 26. ſect. 8. *which inflicted* 100 l. *on the forging the ſtamps uſed for marking plate.*

CLI. *Sect.* 15. If any perſon caſt, forge or counterfeit, or cauſe or procure to be caſt, *&c.* any ſtamp uſed for marking gold or ſilver plate in purſuance of the 12 *Geo.* 2. *cap.* 26. or of any other act, by the company of goldſmiths in *London*, or by the wardens or aſſayers at *York*, *Exeter*, *Briſtol*, *Cheſter*, *Norwich*, or *Newcaſtle upon Tyne*, or by any maker or worker of gold or ſilver plate, or caſt, forge or counterfeit, or cauſe or procure to be caſt, *&c.* any impreſſion in imitation of any mark, made with any ſtamp uſed as aforeſaid, or mark, or cauſe or procure to be marked, any wrought plate of gold or ſilver, or any wares of braſs, or other baſe metal, ſilvered or gilt over, and reſembling plate of gold or ſilver, with any mark forged or counterfeited in imitation of any mark uſed as aforeſaid; or remove, or cauſe or procure to be removed, from one piece of wrought plate to another, or to any veſſel of ſuch baſe metal, any mark made with any ſtamp uſed as aforeſaid, or ſell, exchange or expoſe to ſale, or export out of this kingdom, any wrought plate of gold or ſilver, or any veſſel of ſuch baſe metal as aforeſaid, with any ſuch forged or counterfeit mark thereon, or any mark removed from any other piece of plate, knowing ſuch mark to be forged, counterfeited or removed, or wilfully have, or be poſſeſſed of, any mark or ſtamp forged or counterfeited, in imitation of any mark or ſtamp uſed as aforeſaid, every perſon offending in any of the caſes aforeſaid, being convicted, ſhall be adjudged guilty of felony, and ſuffer death.

CLII. **Stat.** 32 *Geo.* 2. *cap.* 24. *ſect.* 1. No perſon ſhall be ſubject to take out any licence in reſpect of his trading in any quantity of gold not exceeding two peny-weights in one diſtinct piece of goods, or any quantity of ſilver not exceeding five peny-weights in one diſtinct piece of goods; notwithſtanding 31 *Geo.* 2. *cap* 32.

CLIII. *Sect.* 2. There ſhall be paid unto his Majeſty a duty of 5 *l.* for every licence to be taken out by each trader in gold or ſilver plate, or of any goods in which any gold or ſilver is manufactured, who ſhall trade in any goods, in which the gold or ſilver ſhall be of the weights after mentioned, or greater, and by all pawnbrokers trading in gold or ſilver plate, or any goods in which gold or ſilver is manufactured, and all refiners of gold or ſilver.

CLIV. *Sect.* 3. No perſon who doth or ſhall trade in gold or ſilver plate, or any goods in which gold or ſilver is manufactured, ſhall by himſelf or by any other perſon employed by him or for his benefit, publicly or privately trade in any plate or goods in which the quantity of gold ſhall be of the weight of two ounces or upwards, or in which the quantity of ſilver ſhall be of the weight of 30 ounces or upwards, unleſs he have firſt paid a duty of 5 *l.* for a licence taken out in the manner required by 31 *Geo.* 2. *cap.* 32. and every perſon who trades in any ſuch plate or goods ſhall pay 5 *l.* for every licence taken out in each year, in purſuance of the ſaid act, inſtead of the duty of 40 *s.* thereby granted. And if any perſon trading in gold or ſilver plate, or goods in which any gold or ſilver is manufactured, after the fifth of *July* 1759. trade in any ſuch plate or goods, without firſt taking out a licence, for which the duty of 5 *l.* has been paid, and renewing the ſame licence, and making the like payment yearly, he ſhall forfeit for every ſuch offence 20 *l.*

CLV. *Sect.* 4. No pawnbroker ſhall by himſelf or any other perſon employed by him for his benefit, publicly or privately trade in any gold or ſilver plate, or goods in which gold or ſilver is manufactured, nor ſhall any perſon by himſelf or by any other perſon employed by him for his benefit, uſe the buſineſs of a refiner of gold or ſilver, without firſt taking out a licence, as perſons uſing the trade of ſelling gold or ſilver plate are by the 31 *Geo.* 2. *cap.* 32. required; and every ſuch pawnbroker,

broker, and ſuch refiner of gold or ſilver, ſhall take out a freſh licence in every year. And for enforcing the taking out of the ſaid licences, every ſuch pawnbroker and refiner of gold or ſilver ſhall be deemed for the purpoſes of this act, to uſe the trade of ſelling gold or ſilver plate: and every ſuch pawnbroker and every ſuch refiner of gold or ſilver, ſhall pay a duty of 5 *l.* for every licence, which ſhall be paid in each year at the times when ſuch licences are taken out, and to ſuch perſons, and in ſuch manner, as the duty granted by the 31 *Geo.* 2. *cap.* 32. And if any pawnbroker trade in gold or ſilver plate, or any goods in which gold or ſilver is manufactured, or if any perſon uſe the buſineſs of a refiner of gold or ſilver not having firſt taken out a licence, for which the duty of 5 *l.* has been paid, or not having renewed the ſame, and paid ſuch payments yearly; every ſuch perſon ſhall for every ſuch offence forfeit 20 *l.*

CLVI. *Sect.* 5. If any perſon having taken out a licence as preſcribed by the former act, ſhall before the expiration of ſuch licence, produce the ſame, and pay the further ſum of 3 *l.* to any perſon authorized to grant licences (who is to indorſe a memorandum thereof without fee, upon the licence) every perſon paying ſuch additional ſum may during the remainder of the term of the ſaid licence, trade in gold or ſilver plate or goods in which gold or ſilver is manufactured; or practice the buſineſs of a refiner of gold or ſilver, as any other perſon having paid the duty of 5 *l.* upon the original granting of any licence.

CLVII. *Sect.* 6. Perſons in partnerſhip and carrying on their trade in one houſe or tenement only, ſhall not be obliged to take out more than one licence in one year: And no licence granted by virtue of this act, ſhall authorize any perſon who ſells gold or ſilver plate in ſhops, to trade in ſuch gold or ſilver plate in any other ſhop or place, except in ſuch places thereunto belonging wherein he dwells at the time of granting ſuch licence, or at fairs or markets.

CLVIII. *Sect.* 7. All proſecutions for offences againſt this act ſhall be determined, and penalties levied and applied, and for want of diſtreſs the offender impriſoned, in ſuch manner as preſcribed in the 31 *Geo.* 2. *cap.* 32.

CLIX. *Sect.* 8. The penalties of 20 *l.* inflicted by the ſaid act and this act, may be mitigated as any penalty by any law of exciſe.

CLX. *Sect.* 9. All the monies ariſing by the duty hereby directed to be paid upon licences (charges of raiſing and accounting excepted) ſhall be paid into the receipt of exchequer at *Weſtminſter*, together with the monies ariſing by the duty on licences granted by the 31 *Geo.* 2. *cap.* 32. and ſhall be applied to ſuch uſes as the monies ariſing by the ſaid act.

CLXI. *Sect.* 10. The ſaid act (except ſuch parts as are altered by this act) ſhall continue in force, and the proviſions therein ſhall extend to this act.

Greenland.

The 5 Geo. 2. cap. 28. *and* 6 Geo. 2. cap. 33. *are continued to* 25 Dec. 1767. &c. *by* 4 Geo. 3. cap. 22. ſect. 1.

XIV. **Stat.** 13 *Geo.* 2. *cap.* 28. *ſect.* 5. No harpooneer, line-manager, boat-ſteerer, or ſeaman, belonging to any ſhip in the *Greenland* fiſhery trade, ſhall be impreſſed from the ſaid ſervice; and any ſuch harpooneer, *&c.* may, during the time of the year that he is not employed in the ſaid fiſhery, ſail in the colliery trade, upon giving ſecurity to the ſatisfaction of the commiſſioners of the cuſtoms, that he will proceed in the ſaid ſhip to *Greenland* or *Davis's Streights*, on the whale fiſhery the next ſeaſon.

XV. **Stat.** 22 *Geo.* 2. *cap.* 45. *ſect.* 3. Over and above the allowance of 20*s.* a ton, according to the admeaſurement of the ſhip by 6 *Geo.* 2. *cap.* 33. it ſhall be lawful for the reſpective commiſſioners of the cuſtoms in *Great Britain* until the 25th of *December* 1757. and to the end of the then next ſeſſion of parliament, *the time is enlarged to* 25 Dec. 1764. &c. *by* 28 Geo. 2. cap. 20. ſect. 3. (upon having ſuch ſchedule, certificate, licence and oath tranſmitted to them by the collector and comptroller of the port from whence ſuch ſhips depart, as by the 6 *Geo.* 2. *cap.* 33. is directed,

and upon being ſatisfied of the faithful dealings of the maſter and other perſons employed in ſuch ſhip, with reſpect to ſuch voyage and fiſhery) on demand to cauſe payment to be made to the maſter or owners or their aſſigns, by the receiver general of the cuſtoms in that part of *Great Britain* from whence ſuch ſhip departs, of the ſum of 20*s.* a ton, according to the admeaſurement of the ſhip, in ſuch manner and at ſuch time as the ſaid allowance by the ſaid act is directed to be paid.

XVI. *Sect.* 5. Every ſhip built or fitted out in his Majeſty's dominions in *America* of 200 tons and upwards, and not more than two years old from the firſt building, that proceeds from any port in his Majeſty's *American* dominions on the ſaid whale fiſhery, manned and navigated according to law, which ſhall before ſhe proceed on ſuch voyage be viſited by the proper officer of the cuſtoms belonging to ſuch port, who ſhall take an account of the tonnage, as is directed by the ſaid 6 *Geo.* 2. *cap.* 33. concerning *Britiſh* ſhips, and certify his examination and admeaſurement to the governor or commander in chief of the place where ſuch ſhip is fitted out, or to the naval officer of ſuch port; and if it appear by the ſaid certificate that ſhe had at the time of giving ſuch certificate on board ſuch a number of men, proviſions, boats, fiſhing-lines and inſtruments as is required by the ſaid act, and that ſhe is ſtrongly built and proper for ſuch voyage; and had at the time of granting the ſaid certificate on board ſuch a number of harpooneers, ſteerſmen, and line-managers, before employed in ſuch voyages (the names of ſuch perſons to be contained in ſuch certificate) according to the directions of the ſaid act; and if the owner or chief officer of ſuch ſhip ſhall in writing at the foot of ſuch certificate make ſuch oath before the governor, commander in chief or naval officer, as is required by the ſaid act, and that ſuch ſhip is not more than two years old; and if the maſter ſhall after ſuch certificate had and oath made become bound with ſuch ſureties in ſuch penalty and condition as is required by the ſaid act, which bond is to be taken by the governor and commander in chief or naval officer of ſuch place from whence the ſaid ſhip is ſo fitted out; then the ſaid governor, *&c.* are to grant to the maſter and owners of ſuch ſhip licence to proceed on ſuch voyage.

XVII. *Sect.* 6. On the arrival of ſuch ſhip at the port in *Great Britain*, to which the maſter and mate declared on oath they intended to proceed after their voyage to the *Greenland* ſeas or to *Davis's Streights*, or on their arrival at ſome other port of *Great Britain* where they ſhall unload, the proper officers of the cuſtoms ſhall proceed in ſuch manner and make ſuch ſchedule as is directed by the ſaid act concerning *Britiſh* ſhips; and ſuch ſchedule, certificate, licence and oath ſhall be tranſmitted to the reſpective commiſſioners of his Majeſty's cuſtoms for that part of *Great Britain* in which ſuch ſhip arrives, and ſuch commiſſioners being ſatisfied of the faithful dealings of the maſter and other perſons employed in ſuch ſhips, with reſpect to ſuch voyage and fiſhery, ſhall on demand cauſe payment to be made to the maſter or owners or their aſſigns, by the receiver general of the cuſtoms of that part of *Great Britain* at which the ſaid ſhip arrives, of the ſum of 20*s.* and 20*s. per* ton, according to the admeaſurement of ſuch ſhip.

XVIII. *Sect.* 7. Ships fitted out for the whale fiſhery in *America*, after having conformed to the regulations of 6 *Geo.* 2. *cap.* 33. ſhall ſail from ſuch port where ſurveyed directly on their intended fiſhery on or before the firſt of *May*, and ſhall not leave *Davis's Streights* or *Greenland* and ſeas adjacent before the 20th of *Auguſt*, unleſs they have ſuch ſucceſs as to fill all or ſo many caſks with blubber which amount to not leſs than 200 hogſheads for a ſhip of 300 tons, and ſo in proportion for a ſhip of 200 tons and upwards, or ſhould meet with any unavoidable accident ſo as to endanger the lives of the crew, which accident ſhall be declared on the oaths of the maſter, mate, carpenter, harpooneers, line-managers, boat-ſteerers, and ſurgeon, or ſuch of them as be living at the time of their arrival in port, to the ſatisfaction of the commiſſioners of the cuſtoms in *London* or *Edinburgh* reſpectively; and in caſe of any irregular proceeding contrary hereunto every ſhip ſo offending ſhall loſe this bounty. *Continued to* 25 *Dec.* 1767. &c. *by* 4 Geo. 3. cap. 22. §. 1.

XIX. Stat. 28 *Geo.* 2. *cap.* 20. *ſect.* 4. It ſhall be lawful for the commiſſioners of the cuſtoms in *England* and *Scotland* reſpectively to order the reſpective receivers general of the cuſtoms, in caſe the monies in their hands ariſing from the old ſubſidy

be

be not ſufficient to ſatisfy the bounty of 40 *s.* *per* ton, payable on all ſhips employed in the whale fiſhery according to the directions of the former acts and of this act, to pay the ſame out of any monies in their hands ariſing from any of the revenues under their management.

XX. *Sect.* 5. Every ſhip employed in the ſaid fiſhery, ſhall have on board an apprentice indentured for three years at leaſt for every 50 tons burthen, who ſhall be accounted as one of the number of men which by law ought to be on board ſuch ſhip; and in caſe any ſhip proceed on the whale fiſhery without conforming to the above regulation, the owners of every ſhip ſo offending ſhall loſe the bounty which would otherwiſe be payable.

XXI. *Sect.* 6. No ſhip employed in the ſaid fiſhery although above the burthen of 400 tons, ſhall be intitled to a larger bounty than a ſhip of 400 tons.

XXII. *Sect.* 7. Nothing in the former acts or in this act ſhall oblige the owners of any ſhip above the burthen of 400 tons, in order to intitle them to the ſaid bounty, to fit out and man any ſuch ſhip, otherwiſe than as a ſhip of 400 tons.

XXIII. *Sect.* 8. During the continuance of the ſaid bounty of 40 *s.* *per* ton granted by 6 *Geo.* 2. *cap.* 33. and 22 *Geo.* 2. *cap.* 45. the ſame ſhall be paid to the owners of all ſhips under the burthen of 200 tons employed in the ſaid fiſhery, according to the admeaſurement thereof; provided the owner of no ſuch ſhip be entitled to ſuch bounty, unleſs he conform to the regulations preſcribed by the former acts and by this act to the owners of ſhips of 200 tons.

XXIV. *Sect.* 10. The commiſſioners of the cuſtoms for *England* and *Scotland* reſpectively, ſhall at the beginning of every ſeſſion of parliament lay before both houſes of parliament, an account under their hands of what number of ſhips have been employed in the whale fiſhery to *Davis's Streights* and the *Greenland Seas*, with their names and burthens, from whence they were fitted out, and at what port in *Great Britain* they were diſcharged, and what quantity of oil or whale-fins each ſhip has imported.

XXV. *Sect.* 12. It ſhall be lawful for the owners of any ſhip employed in the ſaid fiſhery, to inſure the bounty which ſuch owners would be intitled to upon the return of ſuch ſhip.

Gunpowder.

The 11 Geo. 1. cap. 23. *is continued by* 4 Geo. 3. cap. 11. ſect. 2. *to* 29 Sept. 1771, *&c.*

XXV. **Stat.** 15 *Geo.* 2. *cap.* 32. *ſect.* 1. It ſhall not be lawful for any perſon not being a dealer in gunpowder, to keep within the limits deſcribed in 5 *Geo.* 1. *cap.* 26. more than 50 pounds of gunpowder, or for any perſon being a dealer to keep within the ſaid limits for more than 24 hours, more than 200 pounds of gunpowder at any time, in any houſe, ſtorehouſe, warehouſe, ſhop, cellar, yard, wharf or other place, or in any houſes, *&c.* either under one roof, or by dividing the ſame and diſpoſing thereof under divers roofs or in divers places, or upon the river of *Thames* within the ſaid limits, except in ſhips and veſſels paſſing and repaſſing, or detained by the tides or bad weather, and except in carts or carriages loading or unloading, or paſſing on the highway; upon pain of forfeiting all ſuch gunpowder and the value, with coſts, to any perſon who will inform and ſue in any court of record at *Weſtminſter*; which courts ſhall give ſpecial judgment in ſuch actions, bills or informations, as well for the recovery of ſuch gunpowder in ſpecie, as for the value, beſides coſts, and award execution; provided ſuch ſuit be commenced within 30 days after ſuch forfeiture incurred, and be proſecuted without wilful delay.

XXVI. *Sect.* 2. It ſhall be lawful for any juſtice of peace reſiding within the ſaid limits, upon demand by any pariſh officer or any houſholder within the ſaid limits aſſigning a reaſonable cauſe, to iſſue his warrant for ſearching in the day-time for dangerous quantities of gunpowder within the ſaid limits, any houſes, *&c.* or any ſhips or other veſſels on the *Thames* (except as before excepted) within the ſaid limits, and to break open any ſuch houſes, *&c.* or ſhips, *&c.* and upon every ſuch ſearch it ſhall be lawful for the ſearchers or perſons finding the ſame to ſeize, and at any time within 12 hours after

after ſuch ſeizure to amove all ſuch gunpowder found within the limits aforeſaid exceeding the quantity allowed by this act, and being ſo amoved out of the limits aforeſaid, it ſhall be lawful to detain the ſame until it be determined in ſome court of record at *Weſtminſter*, whether the ſame be forfeited by this act; and the perſon ſo detaining the ſame ſhall not in the mean time be ſubject to any action for the detaining the ſame until the property be determined.

XXVII. *Sect.* 3. If any perſon conſent or knowingly permit any other perſon to keep any gunpowder in any houſe, *&c.* within the limits aforeſaid, belonging to or in the power or occupation of any ſuch perſon not being the owner of ſuch gunpowder, every ſuch perſon ſhall forfeit for every ſuch offence 1*s.* for every pound of gunpowder which he ſhall ſo conſent or knowingly permit to be kept as aforeſaid, to be recovered by any perſon who will ſue for the ſame.

XXVIII. *Sect.* 4. Provided it be not lawful for any perſon intereſted in ſuch gunpowder, or any perſon by colluſion with the owners thereof, to have any action, bill or information upon this act.

XXIX. *Sect.* 5. If any ſuit be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue: and if a verdict paſs for the defendant, *&c.* the defendant ſhall recover treble coſts.

XXX. *Sect.* 6. This act ſhall not affect any ſtorehouſe or magazine belonging to his Majeſty, wherein gunpowder or other ſtores are kept for the uſe of the public, or to hinder the proving gunpowder by his Majeſty's officers, or to the carrying of gunpowder to and from any of his Majeſty's magazines, or with forces in their marches.

XXXI. *Sect.* 7. The acts 5 *Geo.* 1. *cap.* 26. and 11 *Geo.* 1. *cap.* 2. and all things therein contained not hereby altered ſhall be of force.

XXXII. **Stat.** 22 *Geo.* 2. *cap.* 38. *ſect.* 1. It ſhall not be lawful for any perſon to keep gunpowder for more than 24 hours at one time, in a greater quantity than four hundred pounds weight in any houſe, *&c.* in any city or the ſuburbs thereof, or in any market-town, or within 100 yards diſtance thereof, within *England*, or within two miles of any of the King's palaces, or within one mile of any of the King's magazines for keeping gunpowder; nor ſhall it be lawful for any perſon to keep for more than 24 hours at one time a greater quantity than thirty hundred pounds weight of gunpowder in any houſe, *&c.* within *England*, except as hereafter is excepted.

XXXIII. *Sect.* 2. It ſhall be lawful for any two juſtices of peace of the county or place wherein any perſon dealing in gunpowder, or having gunpowder in his poſſeſſion reſides, upon demand and reaſonable cauſe aſſigned by any pariſh officer, or by any two houſholders where ſuch gunpowder is kept, to iſſue a warrant for ſearching in the day-time ſuch houſe, *&c.* and for that purpoſe to break open the door if there be occaſion; and if more than four hundred pounds weight of gunpowder be found in any houſe, *&c.* in any city or ſuburbs thereof, or in any market-town, or within 100 yards diſtance thereof, or within two miles of any of the King's palaces, or within one mile of any of the King's magazines for keeping gunpowder, or more than thirty hundred pounds weight in any other place (except as herein after is excepted) all ſuch gunpowder exceeding the reſpective quantities before mentioned, ſhall be ſeized and forfeited to any perſon who will inform and ſue in any court of record at *Weſtminſter*; which courts are to give judgment in ſuch actions, bills or informations upon this act for the recovery of ſuch gunpowder in ſpecie, or for the value with coſts; provided ſuch action be commenced within three calendar months next after ſuch forfeiture incurred, and be proſecuted without wilful delay; and upon ſuch ſeizure it ſhall be lawful for the ſearchers or perſons finding the ſame, to remove ſuch gunpowder out of the limits aforeſaid, and to detain the ſame until it be determined in one of the courts at *Weſtminſter*, whether the ſame be forfeited; and the perſon ſo ſeizing or detaining the ſame ſhall not be ſubject to any action for ſo doing, other than for any damage which ſuch gunpowder may receive during the time the ſame is ſo detained.

XXXIV. *Sect.* 3. It ſhall not be lawful for any perſon to convey at one time in any waggon or other carriage within *England* a greater quantity of gunpowder than twenty five hundred pounds weight; nor in any open boat or veſſel upon any river, within the diſtance of one mile from any city or market town, a greater quantity than fifty hundred pounds weight; and all ſuch gunpowder carried in any waggon, *&c.*

ſhall be carried in covered carriages, and the barrels in which ſuch gunpowder is carried in waggons, boats, &c. ſhall be cloſe joined and hooped and ſecured in ſuch manner as that no part thereof be ſcattered in the paſſage; and if any gunpowder be carried in any greater quantities reſpectively, or in any other manner, all ſuch gunpowder may be ſeized by any perſon, and upon proof of the offence before two juſtices of peace ſhall be forfeited to the informer.

XXXV. *Sect.* 4. If any perſon employed in any ſtorehouſe where gunpowder is kept, or in conveying gunpowder from one place to another, wilfully commit any act whereby ſuch gunpowder may be in danger of taking fire; being convicted before a juſtice he ſhall forfeit to the informer immediately on conviction 5*s.* for every hundred pounds weight of gunpowder in ſuch ſtorehouſe, or which ſuch perſon is employed in conveying; and in caſe of non-payment, ſhall be committed to the public gaol for any time not exceeding ſix calendar months as ſuch juſtice thinks fit.

XXXVI. *Sect.* 5. This act ſhall not extend to any ſtorehouſe or magazine belonging to his Majeſty, wherein gunpowder or other ſtores ſhall be kept, or to hinder the proving gunpowder for his Majeſty's officers as is uſual for the ſervice of his Majeſty, or to the carrying of gunpowder to or from any of his Majeſty's magazines, or with forces on their march, or to any mills already built and uſed for the making of gunpowder, or to any ſtorehouſes, or other offices near ſuch mills, or to the magazines at *Barkin Creek's Mouth* in *Eſſex*, and *Erith Level* in *Kent*, or to the magazines near *Liverpool* in *Lancaſhire*.

XXXVII. *Sect.* 6. The juſtices of peace for each county or diviſion within *England* ſhall at their general quarter-ſeſſions, upon application, appoint convenient plots of ground, at the diſtance of two miles from any city or market town, not exceeding two acres in any one place, with the uſe of roads thereto; on which it ſhall be lawful for any perſon to erect warehouſes for keeping gunpowder in any quantity, firſt agreeing with the owners of the grounds for the ſame; and in caſe any ſuch owner neglect to agree, or by reaſon of diſability cannot ſo agree, the juſtices for the county, &c. ſhall at their general quarter-ſeſſions iſſue their warrant to the ſheriff, to impanel and return before them at ſuch times and places as ſhall be appointed in ſuch warrant a jury, who upon their oaths ſhall enquire into the value of the ground with the uſe of roads leading thereto, and all ſuch verdicts and inquiſitions ſhall be kept with the records of the ſeſſions, and the judgments of the juſtices thereupon ſhall be final; and the juſtices ſhall have power to ſend for any perſon intereſted, and examine any parties or witneſſes upon oath, and the ſum aſſeſſed as aforeſaid not exceeding 30 years purchaſe ſhall be paid to the owners of the ground, according to their reſpective intereſts therein to be adjudged by the juſtices; and upon ſuch payment, or in caſe of refuſal to accept the ſame, upon leaving the ſame with the juſtices for the benefit of ſuch owner, the inheritance of the ſaid ground and uſe of the ſaid roads ſhall be veſted in the purchaſers and their heirs and aſſigns for the purpoſes aforeſaid; and the warehouſes erected thereon ſhall be built in ſuch manner as will render them ſafe.

XXXVIII. *Sect.* 7. No penalty ſhall be incurred upon account of gunpowder kept in greater quantities than thirty hundred pounds weight within any warehouſe already built, unleſs the juſtices of the county or place wherein ſuch warehouſe is built, at their quarter-ſeſſions upon complaint by any two inhabitants near that place adjudge the ſame to be dangerous, and until the expiration of ſix calendar months next after ſuch adjudication; and provided ſuch warehouſe be not ſituate in any city or the ſuburbs thereof, or in any market town, or within 100 yards diſtance thereof, or within two miles of any of his Majeſty's palaces, or within one mile of any magazine belonging to his Majeſty for keeping gunpowder.

XXXIX. *Sect.* 3. If any ſuit be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue; and if a verdict paſs for the defendant, &c. the defendant ſhall recover treble coſts.

XL. *Sect.* 9. All actions and proſecutions for any thing done in purſuance of this act, ſhall be tried in the county or place where the fact was committed, and ſhall be commenced within ſix calendar months next after the fact committed.

XLI. *Sect.* 10. Nothing in this act ſhall repeal or alter the 5 *Geo.* 1. *cap.* 26. or the 11 *Geo.* 1. *cap.* 23.

Gunpowder.

XLII. **Stat.** 29 *Geo.* 2. *cap.* 16. *ſect.* 1. His Majeſty may by proclamation or order in council when he ſhall ſee cauſe, and for ſuch time as therein expreſſed, prohibit the exporting or attempting to export ſalt petre out of this kingdom, under ſuch reſtraints as he ſhall think fit.

XLIII. *Sect.* 2. Whatever quantity of ſalt petre, gunpowder or any ſort of arms or ammunition prohibited by proclamation or order in council to be exported, ſhall be ſhipped in any port of *Great Britain* in order for exportation contrary to ſuch proclamation or order, ſhall be forfeited, and may be ſeized by warrant from any magiſtrate, or by any cuſtom-houſe, impoſt or exciſe officer; and the owner ſhall forfeit 100*l.* for every hundred weight of ſalt petre and gunpowder, and ſo in proportion for any leſſer quantity; and 100*l.* for every five and twenty arms, and ſo in proportion for any greater or leſſer number; and 100*l.* for every two hundred weight of any ſpecies of ammunition, and ſo in proportion for any leſſer quantity.

XLIV. *Sect.* 3. If any perſon be aſſiſting in the ſhipping any ſalt petre, gunpowder or any ſort of arms or ammunition for exportation, during the time it is ſo prohibited contrary to ſuch proclamation or order, he ſhall forfeit 100*l.* and treble the value of ſuch ſalt petre, gunpowder, arms or ammunition.

XLV. *Sect.* 4. If any maſter of any ſhip permit to be taken on board any ſalt petre, gunpowder, or any ſort of arms or ammunition for exportation, during the time it is ſo prohibited to be exported he ſhall forfeit 100*l.*

XLVI. *Sect.* 5. This act ſhall impower his Majeſty to prohibit the ſhipping of any ſalt petre, gunpowder, or any ſort of arms or ammunition, to be carried coaſtwiſe.

XLVII. *Sect.* 6. The penalties in this act mentioned ſhall be divided into three parts, two thirds to his Majeſty, and the other third part to ſuch perſon as ſhall ſeize or ſue for the ſame in any of his Majeſty's courts of exchequer in *Great Britain*, wherein no eſſoin, *&c.* ſhall be allowed.

Harbours.

CCCXLVIII. **Stat.** 19 *Geo.* 2. *cap.* 22. *ſect.* 1. If any perſon acting as maſter of any ſhip, pink, crayer, lighter, keil-boat or other veſſel, throw out or unlade, or there be thrown out or unladen from any ſhip, *&c.* within any haven, port, road, channel or navigable river in *England*, any ballaſt, rubbiſh, gravel, earth, ſtone, wreck or filth, but only upon the land where the tide or water never flows, it ſhall be lawful for any juſtice of peace for the county or place where or near which ſuch offence is committed, upon information thereof, to ſummon, or iſſue out his warrant to bring before him the maſter or owner of ſuch ſhip, *&c.* or perſon acting as ſuch, againſt whom ſuch information is made; and upon his appearance or default to examine the matter, and upon proof (either by confeſſion or on view of ſuch juſtice or upon the oath of one witneſs) that any ballaſt, *&c.* had been unladen or thrown out of any ſhip, *&c.* the maſter, *&c.* or perſon acting as maſter thereof ſhall be adjudged the offender againſt this act; and being by ſuch juſtice convicted, ſhall forfeit for every ſuch offence any ſum not exceeding 5*l.* nor under 50*s.* one moiety to the informer, and the other moiety to the overſeers of the poor of the pariſh or place wherein ſuch conviction ſhall be, for the uſe of the poor there.

CCCXLIX. *Sect.* 2. The penalties inflicted by this act ſhall be recovered by diſtreſs and ſale either of the goods of the perſons ſo convicted or of the ſhip, *&c.* or of their furniture (by warrant of ſuch juſtice directed to the conſtables or other proper officer of the place where ſuch warrants are to be executed) together with the charges of ſuch diſtreſs and ſale, rendering the overplus after demand in writing to the owners; and for want of ſufficient diſtreſs the juſtice ſhall commit the perſon ſo convicted to the common gaol or houſe of correction where the offenders are convicted, for two months, or until payment of the penalties.

CCCL. *Sect.* 3. And ſoon as any ſhip or veſſel be ſunk, ſtranded, or run on ſhore in any harbour, port, channel, or navigable river, or be drove in, or be there in a ruinous condition and permitted to remain there, and the owner or commander, or any other perſon by their order or aſſent, begin to carry away any of the tackle, or if there

there be not any perſon to take care of the ſaid ſhip, it ſhall be lawful for any juſtice of peace for the county or place upon information to ſummon, or iſſue out his warrant to bring before him, the owner or perſon pretending to have the command over ſuch ſhip, and upon his appearance or default to examine the matter; and in caſe ſuch juſtice find any perſon guilty of ſuch offence, he ſhall iſſue his warrant for ſeizing and removing ſuch ſhip and tackle; and if the owner or ſuch other perſon ſhall not within five days give ſecurity, according to the approbation of ſuch juſtice, to clear the harbour, *&c.* of ſuch veſſel and of all wreck and parts belonging to the ſame, and pay the charges of ſeizing, removing and diſpoſing of ſuch ſhip, tackle or furniture, then to cauſe the hulk or tackle to be ſold, and with the money ariſing by ſuch ſale to pay the charges of clearing the harbour or place where ſuch ſhip ſhall lie; and alſo the charges of ſeizing, removing and ſelling ſuch ſhip and tackle, rendering the overplus to the owner of ſuch manor where the ſame ſhall happen.

CCCLI. *Sect.* 4. All juſtices ſhall put this act in execution againſt any perſon within their juriſdiction, although ſuch juſtice be rated or pay towards the relief of the poor of any pariſh in which any conviction ſhall be.

CCCLII. *Sect.* 5. All convictions pronounced by authority of this act ſhall be final not to be removed into any court of record at *Weſtminſter*.

CCCLIII. *Sect.* 6. None of the diſtreſſes made by virtue of this act ſhall be ſold till after five days from the day of making ſuch diſtreſſes; but it ſhall be lawful for the perſons convicted any time before the expiration of the ſaid five days, to redeem ſuch diſtreſs by payment of the money for which the ſame was made to the uſes of this act, with the coſts of making and detaining ſuch diſtreſs.

CCCLIV. *Sect.* 7. Nothing in this act ſhall take away or alter any right, that the lords of manors adjoining to any haven, port, road, channel or river, or that any other perſon hath to ſuch haven or river, or any fiſhery, manufactures or royalties therein, nor to the unlading or throwing out of any ſhip or other veſſel any ſtone, rocks, bricks, lime, or other materials uſed in building and keeping in repair any quay, pier, wharf, wear or bridge, or the banks of any haven, port, road, channel, or navigable river; but this act ſhall be conſtrued to prevent the miſchiefs to be done in the ſaid haven, *&c.*

CCCLV. *Sect.* 8. Nothing herein contained ſhall take away or limit any former or other juriſdiction, or remedy to puniſh any nuſance in any haven, port, road, channel or navigable river.

Hay and hay-market.

X. **Stat.** 31 *Geo.* 2. *cap.* 40. *ſect.* 1. All ſtraw ſold or delivered in, or brought to or expoſed for ſale in *London*, or within the limits of the weekly bills of mortality, ſhall be ſold and delivered in bundles or truſſes, each whereof ſhall be tied up, and be the weight of 36 pounds of good and ſound ſtraw, excluſive of any other thing put therein; and if any perſon ſell or deliver, or bring into, or expoſe for ſale, in *London*, or within the bills of mortality, or within 30 miles from the extent of any part of the limits of the ſaid weekly bills of mortality, where ſtraw is ſold in truſſes, any truſs of ſtraw of leſs weight than 36 pounds of good and ſound ſtraw, or in the inſide of different goodneſs from what the ſame by the outſide appears to be, being convicted, he ſhall forfeit every time any ſuch ſtraw is brought for ſale, or ſold or delivered in *London*, or within the bills of mortality, not in truſſes, 20*s*; and 1*s*. for every truſs which he ſhall ſell, or bring into, or expoſe for ſale in *London*, or within the bills of mortality, or within 30 miles from the extent of the bills of mortality, where ſtraw is uſually ſold by the truſs, not being of the ſaid weight of 36 pounds of good and ſound ſtraw, or proved to be in the inſide, of different goodneſs from what the ſame, by the outſide, appears to be.

XI. *Sect.* 2. Every truſs of hay ſold in, or brought into, or expoſed for ſale in *London*, or within the bills of mortality, or ſold within 30 miles from the extent of the bills of mortality, where hay is ſold in truſſes, ſhall be made up with good and ſound hay only, and ſuch as the ſame appears to be by the outſide; and ſuch hay only as is

good and ſound ſhall be deemed to be the hay which is to make up the weight every truſs by law ought to be.

XII. *Sect.* 3. The pair of bands with which any truſs of hay is bound, ſhall not exceed the weight of five pounds upon pain that every perſon ſelling any truſs of hay with bands of a greater weight ſhall, for every ſuch offence, forfeit 1 *s.*

XIII. *Sect.* 4. If any perſon employed to bind hay or ſtraw, ſhall not bind up the ſame into bundles or truſſes of ſuch weight and quality as is directed by this act, he ſhall forfeit 3 *d.* for every truſs of hay or ſtraw, not being of ſuch weight and quality; provided the ſame be objected to by the owner within 24 hours after the ſame be ſo bound up, and before the ſame be removed.

XIV. *Sect.* 5. No perſon acting as a common ſaleſman in ſelling hay or ſtraw for any other perſon, for gain, or by commiſſion, in *London*, or within the bills of mortality, ſhall directly or indirectly buy any hay or ſtraw on his own account, other than to ſpend for his own uſe; and if any ſuch ſaleſman buy any hay or ſtraw on his own account to ſell again; or ſell in *London*, or within the bills of mortality, any hay or ſtraw bought by him on his own account, being convicted, he ſhall for every ſuch offence forfeit 1 *s.* for every truſs ſo ſold by or for him.

XV. *Sect.* 6. There ſhall be kept in the hay-market in the city of *London*, and at every other hay-market within the bills of mortality, where hay or ſtraw is allowed to be ſold, a regiſter for entering an account of all hay and ſtraw ſold in ſuch hay-market; and ſuch regiſter ſhall be kept in *London* by the hay-weigher, appointed by the mayor commonalty and citizens of *London*, or his deputy, and out of the city of *London* within the bills of mortality, by the clerk or toll-gatherer of every hay-market, or his deputy; and every perſon ſelling any hay or ſtraw in *London*, or within the bills of mortality, his ſervant or agent, ſhall within ſix hours after any hay or ſtraw ſold in any public hay-market in *London*, or within the bills of mortality, and within ſeven days after every ſale of hay or ſtraw in *London*, or within the bills of mortality, out of any ſuch hay-market, make an entry in the regiſter of the hay-market in which ſuch hay or ſtraw is ſold; or where the ſame is not ſold in any ſuch hay-market, then in the regiſter of the hay-market moſt contiguous to the place of ſale; diſtinguiſhing therein the names and places of abode of the owners and ſellers, and the names and places of abode of the buyers, and of the perſons for whom bought, and the day, and the price; and every perſon ſelling ſuch hay or ſtraw, his ſervant or agent, ſhall ſign his name, or ſet his mark to ſuch entry, and pay for the ſame to the hay-weigher, clerk or toll-gatherer of the market, who keeps ſuch regiſter, one penny; and every ſuch hay-weigher, *&c.* or his deputy ſhall, at all ſeaſonable times in the day, and during the market hours, permit any perſon to inſpect ſuch regiſter, paying one half-penny; and if the ſeller of any ſuch hay or ſtraw in *London*, or within the bills of mortality, his ſervant or agent, ſhall not make ſuch entry within ſix hours after any ſale in any public hay-market in *London*, or within the bills of mortality, and within ſeven days after every ſale in *London*, or within the bills of mortality, out of any ſuch hay-market, or not ſign his name or put his mark thereto, or refuſe to pay for ſuch entry, or cauſe to be entered any falſe account of the quantity of hay or ſtraw ſold, or of the price, or of the name or place of abode of any buyer; every owner or ſeller his ſervant or agent ſo offending, ſhall on being convicted for every ſuch offence forfeit any ſum not exceeding twenty ſhillings nor leſs than ten ſhillings; and if any hay-weigher in *London*, or clerk or toll-gatherer of any hay-market within the limits aforeſaid or his deputy, neglect to keep ſuch regiſter, or delay or refuſe to let any entry hereby directed, be made therein, or demand any greater price than one penny for ſuch entry, or one halfpenny for permitting ſuch regiſter to be peruſed, or knowingly ſuffer any untrue entry to be made, or refuſe at any ſeaſonable time in the day, in market hours, to permit any perſons to inſpect any entry; every ſuch perſon ſhall for every ſuch offence, on being convicted, forfeit any ſum not exceeding twenty ſhillings nor leſs than ten ſhillings.

XVI. *Sect* 7. Nothing in this act ſhall oblige any perſon to regiſter hay or ſtraw ſold within the limits aforeſaid, in leſs quantity than four truſſes in a day, to one perſon.

XVII. *Sect.* 8. Nothing in this act ſhall oblige any perſon to regiſter any hay or ſtraw which he ſhall deliver in *London*, or within the bills of mortality, on ſpecial contract;

contract; but ſuch hay and ſtraw only brought into *London*, or within the bills of mortality, to be ſold, and accordingly there ſold, ſhall be regiſtered.

XVIII. *Sect.* 9. There ſhall be provided by the hay-weigher of the city of *London*, and by every clerk or toll-gatherer of every hay-market within the bills of morrality, and kept at every ſuch hay-market in *London*, and within the bills of mortality, proper ſcales and weights or engines for the weighing all hay and ſtraw there brought for ſale, or required to be there weighed; and ſuch hay-weigher, clerk, or toll-gatherer of the hay-market, or his deputy, ſhall on application cauſe all hay or ſtraw there brought and required to be weighed, to be weighed with all convenient ſpeed, after requeſt; and ſuch hay-weigher, clerk, or toll-gatherer of the market, or his deputy, ſhall be paid by the party requiring ſuch hay or ſtraw to be ſo weighed, 1 *s.* for weighing every load; and if leſs than a load be weighed, then one half-penny for every truſs; and if any doubt ariſe, whether any hay or ſtraw brought into *London*, or within the bills of mortality, and not weighed at any ſuch hay market, is of the due weight, it ſhall be lawful for the buyer, on the delivery of ſuch hay or ſtraw, where agreed by the ſeller to be delivered, to cauſe the ſame to be weighed in the preſence of the ſeller, or his ſervant who delivers the ſame; and if the buyer or ſeller, or his ſervant, be diſſatisfied with ſuch weighing, it ſhall be lawful for ſuch buyer or ſeller or his ſervant, with all convenient ſpeed to apply to the hay-weigher, clerk, or toll-gatherer, of the hay-market, or his deputy, neareſt to the place where ſuch hay or ſtraw is delivered, to ſee the ſame weighed over again; and on ſuch application, the hay-weigher, *&c.* ſo applied to, or his deputy, ſhall with all convenient ſpeed come to the place where ſuch hay or ſtraw ſhall be, within the limits aforeſaid, and there ſee ſuch hay or ſtraw again weighed; and the weight aſcertained by ſuch hay-weigher, *&c.* ſhall be concluſive to all parties; but the perſon requiring ſuch hay-weigher, *&c.* to attend and weigh ſuch hay or ſtraw out of any ſuch hay-market, ſhall pay to ſuch hay-weigher, *&c.* 2 *s.* before ſuch hay-weigher, *&c.* be obliged to go to ſee ſuch hay or ſtraw weighed out of any ſuch hay-market; and if any hay or ſtraw weighed out of any ſuch hay-market, be found of the due weight, then the 2 *s.* paid to ſuch hay-weigher, *&c.* ſhall be forthwith repaid by the buyer to the ſeller, in caſe the ſeller paid ſuch 2 *s.* and if the hay or ſtraw ſo weighed be found not to be of the due weight, then if the buyer paid the ſaid 2 *s.* the ſame ſhall be forthwith repaid to him by the ſeller; and if any hay-weigher, clerk, or toll-gatherer, or his deputy, omit to keep proper ſcales and weights or engines for the weighing hay or ſtraw at ſuch hay-market, or neglect to weigh any hay or ſtraw required to be there weighed, or to attend to ſee the ſame weighed out of ſuch hay-market at any place within the limits aforeſaid, when required at any ſeaſonable time in the day-time, and ſo as the ſaid ſum of 2 *s.* be paid or tendered, ſuch hay-weigher, *&c.* ſhall for every ſuch offence forfeit any ſum not exceeding 20 *s.* nor leſs than 10 *s.*

XIX. *Sect.* 10. All hay or ſtraw ſold within 30 miles from the extent of the limits of the bills of mortality, and touching which there is any doubt of want of weight, ſhall on the delivery at the place where delivered by the ſeller, be weighed; and no perſon ſhall incur any penalty for ſelling, or expoſing to ſale, any hay or ſtraw of leſs weight, or worſe quality than the ſame ought to be, unleſs ſuch hay or ſtraw be weighed either at or before the delivery, with the privity of the buyer, his ſervant or agent, or complained of in reſpect of the quality, at the time and place agreed to be delivered at by the ſeller, in the preſence of ſuch ſeller his ſervant or agent; unleſs ſuch ſeller his ſervant or agent, on requeſt or on notice to attend to ſee ſuch hay or ſtraw ſo weighed, neglect to attend.

XX. *Sect.* 12. No perſon ſhall permit his waggon cart or carr loaden with hay or ſtraw for ſale, to ſtand in the hay-market in *Smithfield* in *London*, or in any hay-market within the bills of mortality, from *Lady-Day* to *Michaelmas* after four in the afternoon, and from *Michaelmas* to *Lady-Day* after three in the afternoon; upon pain to forfeit for every ſuch offence 5 *s.* but before any forfeiture be incurred, the hay-weigher, clerk, or toll-gatherer of the hay-market, or his deputy, ſhall on every market-day, (to wit) *Tueſday*, *Thurſday*, and *Saturday*, in every week, ring a large hand-bell round the hay-market one hour before the expiration of the time above appointed for perſons bringing hay or ſtraw for ſale into ſuch hay-market to leave the

ſame; and on any default of ringing ſuch bell no perſon uſing ſuch hay-market ſhall the next market-day after ſuch default be liable to pay any toll for any waggon, &c. ſtanding in ſuch hay-market to ſell hay or ſtraw; and every ſuch hay-market is, in that caſe and on the next market-day in which any ſuch default of ringing ſuch bell is made, declared to be toll-free.

XXI. *Sect.* 13. No perſon ſhall incur any penalty for ſuffering his waggon, &c. loaden with hay or ſtraw for ſale, to be in any ſuch hay-market from *Lady-Day* to *Michaelmas* after three in the afternoon, and from *Michaelmas* to *Lady-Day* after two in the afternoon. *See* Par. II.

XXII. *Sect.* 14. No perſon ſhall be convicted for any of the before-mentioned offences, unleſs proſecution be commenced within three days after the offence.

XXIII. *Sect.* 15. On complaint on oath to any juſtice of peace of any offence againſt this act within his juriſdicton, ſuch juſtice is to iſſue his ſummons to convene the perſon charged, and any witneſſes for any of the parties, at a time and place in ſuch ſummons ſpecified; and if any one ſo ſummoned ſhall not appear, or offer ſome reaſonable excuſe for the default, then ſuch juſtice ſhall iſſue his warrant for apprehending the party ſo making default within the juriſdiction of ſuch juſtice; and upon the party complained againſt appearing or being brought before ſuch juſtice on his warrant, or, in caſe the party complained againſt ſhall not appear on ſuch ſummons being ſerved on him or left at his uſual place of abode, and proof be made thereof by oath before ſuch juſtice, then ſuch juſtice is to make enquiry touching the matters complained of by the oaths of any perſons requiſite, and to determine ſuch complaint; and, upon confeſſion or proof of one witneſs upon oath, to convict or acquit the party againſt whom complaint is made; and if the money forfeited be not paid on conviction, ſuch juſtice ſhall iſſue his warrant for levying thereof within his juriſdiction by diſtreſs on the goods of ſuch offender, and cauſe ſale to be made of ſuch goods in caſe the money forfeited with the charges be not paid within five days after ſuch diſtreſs, rendering the overplus to the owner after deducting the charges of diſtreſs and ſale; and if any ſuch offender have not goods within the juriſdiction of ſuch juſtice, any juſtice within whoſe juriſdiction ſuch offender ſhall be, ſhall iſſue a warrant on the application of any informer to apprehend ſuch offender, and to commit him to ſome public priſon or houſe of correction of the county or place in which ſuch offence is committed, for any time not exceeding one calendar month nor leſs than ten days, unleſs ſuch offender ſooner pay the money forfeited; and if any witneſs refuſe to be examined he may be committed by ſuch juſtice to ſome priſon of the county, &c. where ſuch witneſs ſo makes default, for any time not exceeding ten days.

XXIV. *Sect.* 16. If any perſon convicted of any offence puniſhable by this act, or for ſelling any truſs of hay of leſs weight than the ſame ought to be, think himſelf aggrieved by the judgment of any juſtice, ſuch perſon may appeal to the general or quarter ſeſſions of the peace of the county or place in which ſuch conviction is made, next after ſuch conviction, unleſs ſuch next ſeſſions be held within ſix days after ſuch conviction, and then ſuch perſon may appeal to the ſecond general or quarter ſeſſions next after ſuch conviction; but the party ſo appealing ſhall before ſuch appeal be received enter into a recognizance with two ſureties, before ſuch juſtice, in double the ſum which ſuch perſon is adjudged to forfeit, to proſecute ſuch appeal with effect and to abide by the judgment of the ſeſſions, and ſhall alſo give three days notice in writing of ſuch appeal to, or leave the ſame at the uſual place of abode of the perſon who proſecuted to conviction the party ſo appealing; and the juſtices at ſuch ſeſſions are finally to determine ſuch appeal, and to make ſuch order and award ſuch coſts as they deem meet; and the determination of ſuch ſeſſions on every ſuch appeal ſhall be final, and no *certiorari* ſhall be allowed to remove any ſuch proceedings or determination.

XXV. *Sect.* 17. One moiety of all money forfeited by this act ſhall be paid to the perſon proſecuting to conviction any offender, and the other moiety to the uſe of the poor of the pariſh or place where the offence is committed.

XXVI. *Sect.* 18. Any inhabitant of the pariſh or place in which any offence is committed againſt this act, ſhall be a competent witneſs.

XXVII. *Sect.* 19. If any action be commenced for any thing done in purſuance of this act, the ſame ſhall be commenced within ſix months after the offence committed,

mitted, and ſhall be laid in the county or city where the offence is committed; and the defendant may plead the general iſſue; and if a verdict be found for the defendant, *&c.* the defendant ſhall recover treble coſts.

Highways.

The 8 Geo. 2. cap. 20. *is made perpetual by* 27 Geo. 2. cap. 16. ſect. 1.

CCXXVII. **Stat.** 9 *Geo.* 2. *cap.* 18. *ſect.* 3. A clauſe in the *ſtat.* 1 *Geo.* 1. *cap.* 52. empowering juſtices of peace to make aſſeſſments in cities, is extended to market-towns.

CCXXVIII. **Stat.** 14 *Geo.* 2. *cap.* 42. *ſect.* 1. It ſhall be lawful for all truſtees appointed by any act of parliament for the repairs of any highways in *England*, or for any five of them, at any gates erected for receiving tolls, to cauſe to be built any crane or engine proper for weighing carts, waggons or other carriages, for the conveying of any goods, and by writing ſigned to order all ſuch carriages which paſs through ſuch gate to be weighed, together with the loading, and for them or any perſon impowered by them, or five of them, to take over and above the toll already granted 20 *s.* a hundred weight, for every hundred weight which every ſuch carriage together with the loading weighs above 60 hundred; and the money ariſing from ſuch additional duty ſhall be applied to the repair of ſuch highway where ſuch gate is placed.

CCXXIX. *Sect.* 2. It ſhall be lawful for any farmer or other perſon to carry goods for hire, from the fifteenth of *April* to the twenty-ninth of *September*, in carriages drawn on wheels bound with ſtreaks or tire of any breadth.

CCXXX. *Sect.* 3. In caſe any perſon neglect to pay ſuch additional duty of 20 *s.* the hundred, it ſhall be lawful for the ſaid truſtees or any perſon impowered to levy the ſame by diſtreſs and ſale.

CCXXXI. *Sect.* 4. If any perſon hinder, or with force or otherwiſe attempt to hinder the weighing any ſuch carriage, or the ſeizing or carrying away any ſuch diſtreſs or any thing ſeized for default of payment of the ſaid additional toll, or reſcue the ſame, or uſe any violence to any perſon concerned in ſuch weighing, diſtraining or ſeizure, every ſuch perſon ſhall, on oath by one witneſs before a juſtice of the county or place where ſuch offence is committed or ſuch offender dwells, be ſent to the common gaol for three months, and forfeit 10 *l.* half to the informer, and the other half to be employed in the repair of the ſaid highways; which penalty ſhall be levied on the goods of ſuch offender by a warrant from ſuch juſtice; and if the penalty be not paid in three days after diſtreſs made, the perſon authorized by the warrant to make ſuch diſtreſs, may ſell the goods, and derain out of the money ariſing from ſuch ſale the ſaid penalty of 10 *l.* returning the overplus (if any) to the owner.

CCXXXII. *Sect.* 5. Nothing in this act ſhall extend to carts, waggons, or other carriages employed only about huſbandry, or carrying of only cheeſe, butter, hay, ſtraw, corn unthreſhed, or chalk, or any one ſtone, block of marble, or piece of timber, nor to caravans, or the covered carriages of noblemen and gentlemen for their private uſe, or timber, ammunition or artillery for his Majeſty's ſervice.

CCXXXIII. *Sect.* 6. The 5 *Geo.* 1. *cap.* 12. ſhall extend to all waggons and carts, whether travelling for hire, or not for hire; and every perſon offending againſt the 5 *Geo.* 1. *cap.* 12. or this act, ſhall for every ſuch offence (being convicted upon oath within three days after, before any juſtice of the county, *&c.* where ſuch offence is committed or ſuch offender is) be liable to the penalties in the ſaid act contained; to be levied, and applied as by the ſaid act is directed; and his horſes with the accoutrements ſhall, for three days next after ſuch offence, be liable to ſuch ſeizures and diſtreſſes, and for the uſe of ſuch perſons, as they might have been, had they been ſeized in the fact.

CCXXXIV. *Sect.* 7. If any action be brought againſt any perſon for any thing done in execution of this act, the defendant may plead the general iſſue; and if the plaintiff diſcontinue, *&c.* the defendant ſhall recover treble coſts.

CCXXXV. **Stat.** 15 *Geo.* 2. *cap.* 2. So much of the act of 14 *Geo.* 2. *cap.* 4. as tends to extend ſuch part of the act of 5 *Geo.* 1. *cap.* 12. as relates to the breadth of the ſtreaks or tire, or to the nails with which they are to be faſtened on to ſuch waggons as do not travel for hire, or to the owners or drivers thereof, is hereby repealed.

CCXXXVI. **Stat.** 16 *Geo.* 2. *cap.* 29. *ſect.* 1. The number of three horſes (*to which carts are reſtrained by* 5 Geo. 1. cap. 12. *and* 14 Geo. 2. cap. 42.) ſhall be enlarged to four horſes, under all the proviſions in the ſaid acts mentioned.

CCXXXVII. **Stat.** 21 *Geo.* 2. *cap.* 28. *ſect.* 1. It ſhall be lawful for all commiſſioners or truſtees appointed for the repair of any highway in *England*, or any five of them, to cauſe to be erected any crane or engine for the weighing of carts or other carriages, upon any part of the road within their reſpective juriſdictions, and at ſuch diſtance from any turnpike as they think expedient; and to cauſe all carriages travelling the ſaid road (except ſuch as are by 14 *Geo.* 2. *cap.* 42. excepted) with their loading to be weighed, and to take 20 *s.* a hundred weight, for every hundred weight which ſuch carriage with the loading weighs above 60 hundred weight; to be levied and applied as by the ſaid act is directed; and all perſons oppoſing the weighing the ſaid carriages, or levying the ſaid duty, ſhall be liable to the penalties by the ſaid act inflicted.

CCXXXVIII. *Sect.* 2. If any perſon unload or cauſe to be unladen any goods out of any waggon or other carriage (except ſuch as in the ſaid act is excepted) before ſuch carriage come to any weighing engine erected by virtue of this or any other act, in order to avoid the payment of the ſaid duty of 20 *s. per* hundred, or load upon any ſuch carriage after the ſame has paſſed any ſuch weighing engine, any goods taken from any horſe or carriage, belonging to, or hired, or borrowed by the ſame waggoner or carrier, every perſon ſo offending ſhall for every ſuch offence forfeit to the commiſſioners for repairing the road where ſuch offence is committed, 20 *l.* to be levied upon the goods of the owner of ſuch carriage, as other forfeitures by the ſaid act; and the ſame forfeitures ſhall be applied to the repair of the ſaid roads.

CCXXXIX. *Sect.* 4. Every common waggoner or carrier ſhall cauſe to be written or painted upon ſome conſpicuous part of his waggon or cart, before he uſes the ſame, his chriſtian and ſurname, and the place of his abode, in large letters, upon pain to forfeit 20 *s.*

CCXL. *Sect.* 5. If any action be brought againſt any perſon for any thing done by virtue of this act, the defendant may plead the general iſſue; and if the plaintiff diſcontinue, *&c.* the defendant ſhall recover treble coſts.

CCXLI. **Stat.** 24 *Geo.* 2. *cap.* 43. *ſect.* 1. All truſtees or commiſſioners appointed by any act of parliament for the repair of any highway in *England*, in their reſpective diſtricts, or any five of them, or any perſon impowered by them, are to take at all the gates erected for collecting toll 20 *s.* for every waggon or other carriage drawn by ſix horſes, before ſuch carriage be permitted to paſs through, over and above the tolls already granted, or hereafter to be granted; which additional toll may be levied upon perſons neglecting to pay as any other toll payable at the ſame turnpike-gate; and the money ariſing from ſuch additional duty ſhall be applied to the repair of the highway where it is collected.

CCXLII. *Sect.* 2. If any perſon take off or cauſe to be taken off, any horſe from any carriage, at or before the ſame comes to any turnpike, with intent to avoid paying the ſaid additional toll, every perſon ſo offending, and convicted before the truſtees, or five of them, or one juſtice of peace for the county or diviſion where the offence is committed, upon the oath of one witneſs, ſhall forfeit to the informer 5 *l.* which if not forthwith paid, ſhall be levied by diſtreſs and ſale of the offender's goods, by warrant of the truſtees or juſtice, rendering the overplus to the owner, after deducting the charges of ſuch diſtreſs and ſale, to be ſettled by the ſaid truſtees or juſtice.

CCXLIII. *Sect.* 3. Every perſon driving any carriage upon any part of any turnpike road with more horſes than ſuch carriage ſhall on the ſame day paſs through any turn-

pike-

pike-bar with, ſhall be deemed to have taken off the ſaid horſes with intent to avoid paying the additional toll.

CCXLIV. *Sect.* 4. No waggon or other carriage travelling for hire upon any of the ſaid turnpike roads ſhall be drove out of the ſame into any of the roads adjacent not being turnpike roads, in order to avoid, and thereby avoiding, paying the tolls at any turnpike; upon pain of forfeiting any one of the horſes drawing ſuch carriage, (not being the thill or ſhaft horſe) with all his accoutrements, to the uſe of any perſon who ſhall ſeize the ſame; and the perſon making ſuch ſeizure ſhall proceed in like manner, and be intitled to the like remedies, as is directed by 5 *Geo.* 1. *cap.* 12.

CCXLV. *Sect.* 5. Nothing in this act ſhall extend to any coach, berlin, chariot, chaiſe, calaſh, or hearſe, or to any waggon or other carriage employed only about huſbandry, or in carrying only of hay, ſtraw, corn unthreſhed, or chalk, or any ſtone, block of marble, or piece of timber, nor to carravans, or the covered carriages of noblemen and gentlemen for their private uſe, or timber, ammunition or artillery for his Majeſty's ſervice.

CCXLVI. *Sect.* 6. All commiſſioners or truſtees already appointed for the repairs of any highway in *England*, or five of them, ſhall, at one or more gates, or at ſome convenient places within their reſpective diſtricts, cauſe to be erected, a crane or engine, proper for the weighing of carts or other carriages, and cauſe all ſuch carts or other carriages (except ſuch as by this act are excepted) which paſs through any ſuch gate to be weighed, together with the loading, and take ſuch additional duty of 20 *s.* the hundred, as is by 14 *Geo.* 2. *cap.* 42. directed.

CCXLVII. *Sect.* 7. Nothing in this act ſhall oblige the truſtees of any turnpike road beyond 30 miles from *London*, or where the tolls granted to ſuch truſtees do not amount to the annual ſum of 150 *l.* within 30 miles from *London*, to erect any engine for weighing carriages.

CCXLVIII. *Sect.* 10. Nothing in this or any former act ſhall reſtrain any owner of any carriage, or his ſervants, drawing with as many horſes or beaſts as ſhall be neceſſary for the drawing ſuch carriages up any ſuch ſteep hills, as the juſtices of peace of the reſpective counties and places where ſuch ſteep hills lie, ſhall at their quarter-ſeſſions direct; which direction ſhall be kept by the clerks of the peace among the records of the ſeſſions, to which all perſons ſhall have recourſe without fee.

CCXLIX. *Sect.* 11. All penalties impoſed by this or any former act ſhall be wholly given to the informer or perſon who ſhall ſue for the ſame; and every ſuch informer or proſecutor ſhall recover ſuch penalties as the ſame are directed to be recovered, or by action at law in any court of record at *Weſtminſter*, in manner following; *viz.* where any perſon is liable to pay any pecuniary penalty, it ſhall be lawful to ſue by action of debt, in which it ſhall be ſufficient to declare, that the defendant is indebted to the plaintiff in the ſum of being forfeited by an act, intituled,

And where the penalty is of any horſe or other goods, by an action of *Trover*, in which the value of ſuch horſe or other goods liable to the forfeiture, ſhall be given in damages, without any ſeizure or demand; and the plaintiff if he recover ſhall have double coſts; provided there ſhall not be more than one recovery for the ſame offence: and no action ſhall be brought by virtue of this act in any of the ſaid courts of record, unleſs before the end of ſix kalendar months after the offence committed.

CCL. **Stat.** 26 *Geo.* 2. *cap.* 28. If any perſon by reaſon of getting any materials for repairing any highway, or for any other purpoſe, make any pit or hole in any common, heath, or waſte ground, he ſhall forthwith cauſe the ſame to be fenced off, during ſuch time as it ſhall be open; and ſhall within 14 days after digging for ſuch materials in ſuch pit, cauſe the ſame to be filled up, ſloped down, or fenced off, and ſo continued; and in caſe ſuch perſon ſhall not fill up, *&c.* the ſame within the ſaid time, and keep the fence in good repair, it ſhall be lawful for any juſtice of peace upon his view, or upon the information of any witneſs, to order the perſon cauſing to be made ſuch pit to fill up, *&c.* the ſame; and where any fence is ſet up, to order the ſame to be repaired from time to time; and in caſe ſuch perſon neglect to comply with ſuch order, within 10 days after receipt thereof, or the ſame being

left at his place of abode, proof being made upon oath before a juſtice, of the offence committed, of the ſervice of ſuch order, and of the neglect, ſuch perſon ſhall forfeit any ſum not exceeding 10 *l.* nor leſs than 40 *s.* to be applied in filling up, *&c.* ſuch pit, and towards the repair of the roads in the place where the offence is committed, as the juſtice ſhall direct; which forfeiture ſhall be levied by diſtreſs and ſale of the offenders goods, by warrant of ſuch juſtice; rendering the overplus to the owner, the charges of diſtreſs and ſale being firſt deducted.

CCLI. Stat. 26 *Geo.* 2. *cap.* 30. *ſect.* 1. It ſhall not be lawful for any waggon or wheel carriage (except as herein after mentioned) to travel upon any turnpike road, unleſs the fellies of the wheels be of the breadth of nine inches from ſide to ſide; and every owner of ſuch carriage driven upon any turnpike road, contrary to the directions of this act, ſhall for every ſuch offence forfeit 5 *l.* or otherwiſe forfeit any one of the horſes or beaſts drawing ſuch carriage, not being the ſhaft or thill horſe, with the accoutrements to the uſe of the perſon who ſhall ſeize the ſame.

CCLII. *Sect.* 2. The perſon making any ſuch ſeizure ſhall deliver the horſe and things ſeized to the conſtable, or other pariſh-officer of any place in or near the place where ſuch ſeizure is made; and every ſuch conſtable, *&c.* is to receive and keep the ſame, till the perſon making ſuch ſeizure make proof upon oath before ſome juſtice of peace of the offence committed; and the juſtice before whom ſuch proof is made is to iſſue his precept to ſuch conſtable, *&c.* to deliver the horſe and other things ſo forfeited, to the party who ſeized the ſame, to his own uſe, paying ſuch charges for keeping as ſuch juſtice ſhall allow; but in caſe no ſuch proof be made within three days next after ſuch ſeizure, then ſuch horſe or other thing ſeized ſhall be returned to the owner on paying the charges for keeping.

CCLIII. *Sect.* 3. Nothing in this act ſhall extend to any chaiſe marine, or to any coach, landau, berlin, chaiſe, or calaſh; nor to any waggon drawn by leſs than five horſes or beaſts; or to any two-wheel carriages drawn by leſs than four horſes or beaſts; or to any carriage drawn by oxen or neat cattle only.

CCLIV. *Sect.* 4. It ſhall be lawful for any carriage loaden with one piece of timber, or one ſtone or block of marble only, having the fellies of the wheels of the breadth of nine inches or upwards, to travel upon any turnpike road with any number of horſes or beaſts; and alſo for any waggon or other four-wheel carriage having the fellies of the wheels of ſuch breadth as aforeſaid to travel upon any turnpike-road with any number of horſes or beaſts not exceeding eight; and for any two-wheel carriage having the fellies of the wheels of ſuch breadth as aforeſaid, with any number of horſes or beaſts not exceeding five; without being ſubject to be weighed at any crane, or to the additional toll of 20 *s.* made payable for every carriage drawn by ſix horſes, by 24 *Geo.* 2. *cap.* 43.

CCLV. *Sect.* 5. It ſhall be lawful for any waggon or other carriage having the fellies of the wheels of ſuch breadth as aforeſaid to travel upon any turnpike-road, without being ſubject to forfeit any one of the horſes by 6 *Geo.* 1. *cap.* 6.

CCLVI. *Sect.* 6. It ſhall be lawful for any waggon or other four-wheel carriage, having the fellies of the wheels of the breadth of nine inches or upwards, to travel on any highway within *Great Britain*, with any number of horſes or beaſts not exceeding eight; and for any cart or other two-wheel carriage, having the like wheels, with any number of horſes or beaſts not exceeding five.

CCLVII. *Sect.* 7. And whereas by ſeveral acts for amending particular roads in this kingdom, ſeveral high and extraordinary tolls are directed to be paid for carriages drawn by more than a certain number of horſes therein reſpectively mentioned, with intent to prohibit the paſſage of ſuch carriages, and thereby to preſerve the ſaid roads, it ſhall be lawful for the truſtees appointed by any ſuch act or nine of ſuch truſtees, within their reſpective diſtricts, to mitigate the ſaid high and extraordinary tolls for ſuch waggons or other carriages only, having wheels of the breadth before preſcribed, in ſuch manner as no greater toll be demanded for the ſame, than is directed by the ſaid acts reſpectively to be paid for waggons drawn by five or four horſes; and the ſaid truſtees within their ſeveral diſtricts, or nine of them reſpectively, are to give directions in writing to the collectors within their reſpective diſtricts, to take ſuch tolls and no other.

CCLVIII. *Sect.*

CCLVIII. *Sect.* 11. It ſhall be lawful for all truſtees appointed by any act for repairing any highway in this kingdom, or any two of them, by writing under their hands, to order the fellies of the wheels of all carriages, which ought to be of the breadth before directed, to be meaſured at any turnpike.

CCLIX. *Sect.* 12. In caſe it appear to the ſurveyor or gate-keeper of any turnpike-road, that the fellies of the wheels of any carriage travelling upon ſuch turnpike-road were originally of the breadth of nine inches, and by uſage and wearing have been reduced to leſs breadth, it ſhall be lawful for ſuch carriage to travel upon ſuch turnpike-road, ſo as the fellies of the wheels be of the breadth of eight inches at leaſt, and the owner of ſuch carriage ſhall not be ſubject to the penalties for driving carriages the fellies of the wheels whereof are under the breadth of nine inches.

CCLX. *Sect.* 13. If any perſon obſtruct the meaſuring the fellies of ſuch wheels, or the ſeizing of any horſe or beaſt forfeited for the offences before-mentioned, or uſe any violence to any perſon concerned in ſuch meaſuring or ſeizing, every perſon ſo offending ſhall for every ſuch offence forfeit 10 *l.*

CCLXI. *Sect.* 14. In caſe any perſon drive, or act as the driver of, any carriage not having wheels according to the direction of this act, or drawn with more than the number of horſes hereby appointed, upon any turnpike-road, it ſhall be lawful for the conſtable, tythingman, or ſurveyor of the highways, or any other inhabitant of the place where the offence is committed, and for the ſurveyor of the ſaid turnpike-road, and any perſon appointed by the truſtees, to apprehend and take ſuch perſon ſo acting as driver before a juſtice for the county or diviſion where the offence is committed, and upon conviction either by confeſſion or by the oath of one witneſs before ſuch juſtice, every ſuch perſon ſo offending ſhall forfeit for every ſuch offence 5 *l.* to be applied and recovered as other penalties hereby impoſed; and in caſe the perſon ſo convicted have no goods whereon diſtreſs may be made, it ſhall be lawful for ſuch juſtice by warrant to commit the offender to the houſe of correction for one month, or until he pay the ſaid 5 *l.*

CCLXII. *Sect.* 15. If any owner of any waggon or cart travelling for hire drive or cauſe to be driven ſuch waggon or cart upon any turnpike-road, not having his chriſtian and ſurname and place of abode written or painted in large legible letters upon the tilt or other conſpicuous place of ſuch waggon, every perſon ſo offending ſhall for every ſuch offence be ſubject to the ſame penalties as the owners of waggons having the fellies of the wheels under the breadth afore-mentioned; and if any perſon cauſe to be written or painted any falſe name on ſuch waggon or cart, every owner of ſuch waggon or cart publicly uſed on any turnpike-road with ſuch falſe name, ſhall for every ſuch offence forfeit 50 *l.*

CCLXIII. *Sect.* 16. The penalties inflicted by this act, and not otherwiſe provided for, may be recovered by any perſon who ſhall ſue for the ſame, either by action of debt, *&c.* in any court of record at *Weſtminſter*, with treble coſts of ſuit; in which no protection, *&c.* ſhall be allowed; or by a ſummary proceeding before any two juſtices for the county or place where ſuch offence is committed, at the option of the perſon proſecuting. And upon any information within 10 days after ſuch offence committed, ſuch juſtices are to ſummon the party accuſed, and the witneſſes on either ſide; and in caſe the party accuſed ſhall not appear, then upon oath of the committing any of the facts above-mentioned by one witneſs, to iſſue a warrant for apprehending the party offending within the juriſdiction of ſuch juſtices; and upon the appearance or contempt of the party accuſed in not appearing (upon proof of notice) to proceed to the examination of the witneſs on oath, and to give judgment accordingly; and where the party accuſed ſhall be convicted either by the view of ſuch juſtices, or upon ſuch information, or on confeſſion, to iſſue warrants for the levying any pecuniary penalties ſo adjudged, with the coſts of proſecution, on the goods of the offender, and to cauſe ſale to be made thereof, if not redeemed within five days, rendering to the party the overplus; and where goods of ſuch offenders cannot be found, to commit ſuch offender to priſon for three months, or until ſuch penalty be paid. And any perſon aggrieved in the judgment of the ſaid juſtices, may appeal to the next quarter ſeſſions for the county or place where the matter ariſes; ſo as ſuch perſon complaining give notice in writing of his intention to appeal, unto the perſon complained of, 14 days before the quarter ſeſſions, and within five days after ſuch notice, enter into a

recognizance with two ſureties before a juſtice for ſuch county, &c. where ſuch appeal lies, to try ſuch appeal at the quarter ſeſſions for ſuch county, &c. next after; and the juſtices there upon hearing the ſaid complaint, or upon proof of ſuch notice given by the party complaining (although he ſhall not proſecute the appeal) may mitigate the penalties incurred by the party complaining, or ſet aſide the conviction, or ſet the party at liberty, or may confirm the ſame, with coſts; and by their warrant cauſe ſuch coſts to be levied by diſtreſs and ſale of the goods of the perſon ſo giving ſuch notice of appeal, and for want of ſufficient diſtreſs commit the party to the common gaol of the county, &c. wherein ſuch appeal is heard for any time not exceeding two months, or until payment of ſuch coſts; and if the perſon ordered to pay ſuch coſts live without the juriſdiction of the ſaid court, it ſhall be lawful for any juſtice of the county or place wherein ſuch perſon inhabits, and every ſuch juſtice ſhall upon requeſt, and upon a copy of the order for payment of ſuch coſts produced and proved upon oath, by warrant cauſe the money mentioned in that order to be levied by diſtreſs and ſale of the goods of the perſon ordered to pay the ſame; and if no ſufficient diſtreſs can be had commit ſuch perſon to the common gaol of that county, &c. for any time not exceeding two months, or until payment of ſuch coſts.

CCLXIV. *Sect.* 17. All the pecuniary penalties recovered by virtue of this act, ſhall be applied, one moiety to the perſon who ſhall inform and ſue, and the other moiety to the truſtees for repairing the road where the offence is committed, or ſuch perſon as five of them by writing appoint, in order that the ſame may be applied towards the repairing the ſaid road.

CCLXV. *Sect.* 18. All the laws whereby turnpikes are or ſhall be erected, and all other laws relating thereto, ſhall be put in execution; and the truſtees impowered by the ſaid acts reſpectively, or any five of them, are at their public meetings from time to time to make rules for putting the ſaid laws in execution; and to appoint perſons to carry on proſecutions for offences againſt this act, or any of the ſaid laws, within their reſpective diſtricts; and to give charge to their ſurveyors to viſit frequently the ſaid roads, and take care to inquire if any offence be committed thereon: and all the officers belonging to the turnpike-roads reſpectively are as often as any offence againſt any of the ſaid laws comes to their knowledge, to give notice thereof to ſome of the truſtees; who ſhall procure a meeting of the truſtees or five of them, who ſhall give directions for proſecuting ſuch offences.

CCLXVI. *Sect.* 19. This act ſhall be read in the preſence of the ſaid officers as often as there ſhall be a meeting of the ſaid truſtees, or five of them. And if any ſuch officer be negligent in his duty he ſhall be removed from his office by the truſtees, and be incapable of holding any office under the ſaid truſt.

CCLXVII. *Sect.* 20. No perſon keeping any victualling-houſe, ale-houſe, or other houſe of public entertainment, or ſelling any wine, cyder, beer, ale, ſpirituous or other ſtrong liquors by retail, ſhall be capable of holding any place of truſt or profit under the truſtees of any act for erecting turnpikes, or of farming the tolls.

CCLXVIII. *Sect.* 21. In caſe any action or proſecution be commenced in purſuance of this act, by the direction of the truſtees, the truſtees of ſuch turnpikes or five of them ſhall, out of the profits ariſing by the tolls, allow to the proſecutor ſo much as the coſts allowed by law fall ſhort of his reaſonable expences.

CCLXIX. *Sect.* 22. Nothing in this act ſhall oblige the ſaid truſtees to proſecute for any ſuch offences, unleſs upon the confeſſion of the offender, or that one witneſs can be produced to prove the commiſſion of ſuch offence.

CCLXX. *Sect.* 23. If any action be commenced for any thing done in purſuance of this act, ſuch action ſhall be commenced within ſix calendar months next after the fact committed, and ſhall be brought in the county or place where the defendant reſides, and the defendant may plead the general iſſue; and if the plaintiff be nonſuited, &c. the defendant ſhall recover treble coſts.

CCLXXI. Stat. 28 *Geo.* 2. *cap.* 17. *ſect.* 1. For three years from the 24th of *June* 1755, it ſhall be lawful for all carriages having the fellies of the wheels of nine inches from ſide to ſide, to paſs through every turnpike-gate without paying any toll.

CCLXXII. *Sect.*

CCLXXII. *Sect.* 3. For three years from the ſaid 24th of *June*, the truſtees appointed by any act may cauſe to be taken an additional toll, if they find the ſame neceſſary, not exceeding one fourth part more than the tolls payable by ſuch acts reſpectively, for coaches and all carriages not having the wheels of the breadth before mentioned.

CCLXXIII. *Sect.* 4. That leſſening the tolls as aforeſaid may not be prejudicial to creditors who have lent money upon the ſecurity of the tolls, every act of parliament made this ſeſſion or heretofore for repairing turnpike-roads, ſhall be continued for five years, from the ſeveral expirations of every ſuch act and ſubject to the tolls, and all the penalties and proviſions of any of the ſaid acts reſpectively.

CCLXXIV. *Sect.* 5. It is the meaning of this act and the 26 *Geo.* 1. *cap.* 30. that the ſole or bottom of the fellies of the wheels of waggons and carts ſhall be of the breadth of nine inches from ſide to ſide, and that the ſole of all ſuch fellies ſhall be flat from ſide to ſide, or as near as may be.

CCLXXV. *Sect.* 6. The truſtees appointed under any act for repairing turnpike-roads, or any five of them, ſhall cauſe all the turnpike-roads within their reſpective diſtricts to be levelled and put in good condition.

CCLXXVI. *Sect.* 7. If any perſon ſhall cauſe to be unloaden any goods from any cart, waggon or other carriage, before the ſame ſhall come to any turnpike-gate, with intent to avoid the payment of any part of the tolls, every perſon being owner of ſuch waggon or carriage, and being convicted before the truſtees of ſuch tolls or three of them, or one juſtice for the county or place where the offence is committed, upon the oath of one witneſs, ſhall forfeit five pounds; which ſum if not forthwith paid, ſhall be levied by diſtreſs and ſale of the offender's goods, by warrant of the truſtees or juſtice, rendering the overplus to the owner after deducting the charges of diſtreſs and ſale, to be ſettled by ſuch truſtees or juſtice, and every driver of ſuch carriage ſo offending and convicted, ſhall be committed to the houſe of correction for one month. And in caſe any collector of the tolls at any turnpike where any crane or engine for weighing of carriages ſhall be built, permit any cart, waggon or carriage aforeſaid, not having the fellies of the wheels of the breadth of nine inches, to paſs through ſuch turnpike without weighing, and be convicted in manner aforeſaid, ſuch collector ſhall be committed to the houſe of correction, to be kept to hard labour for one month. *See* 30 Geo. 2. cap. 28. ſect. 14.

CCLXXVII. *Sect.* 9. Any waggon or four wheel carriage not having the fellies of their wheels of the breadth of nine inches from ſide to ſide, may paſs upon any turnpike road, provided ſuch four wheel carriage be not drawn by more than ſix oxen or neat cattle in pairs and two horſes, or eight oxen in pairs with one horſe; and any cart or other two wheel carriage not having the fellies of their wheels of the breadth aforeſaid, may paſs upon ſuch turnpike road, provided ſuch cart be not drawn by more than ſix oxen or neat cattle in pairs and one horſe, or four oxen in pairs and two horſes.

CCLXXVIII. *Sect.* 12. All courts and every juſtice of peace before whom there ſhall be any proceeding for any penalty inflicted by any act for repairing turnpike roads, or relating to the ſame, where any prior ſeizure, action, information or conviction is inſiſted upon by way of defence, ſhall examine into the real merits of ſuch prior ſeizure, *&c.* and if it appear that the ſame was not proſecuted effectually to recover and apply the penalty for the purpoſes for which ſuch penalties were enacted, but to favour the offender, ſuch prior ſeizure, *&c.* ſhall be deemed fraudulent and void, and every ſuch court or juſtice of peace ſhall give judgment, as if no ſuch prior ſeizure *&c.* had been.

CCLXXIX. *Sect.* 13. No perſon ſhall be capable of acting as a truſtee in the execution of any act for repairing public roads in *England*, unleſs he be in his own right, or in right of his wife, in the poſſeſſion or receipt of the rents and profits of lands or hereditaments, of the clear yearly value of 40 *l.* or poſſeſſed of or intitled to perſonal eſtate alone, or real and perſonal eſtate together, to the value of 800 *l.* or be heir apparent of a perſon poſſeſſed of an eſtate in land of the clear yearly value of 80 *l.* and unleſs he ſhall, not being ſuch heir apparent, before he acts as ſuch truſtee, take and ſubſcribe the oath following before two truſtees appointed by ſuch act, *viz.*

I A. B. *do ſwear, That I truly and* bona fide *am in my own right, or in right of my wife, in the actual poſſeſſion and enjoyment, or receipt of the rents and profits of lands, tenements or hereditaments, of the clear yearly value of* 40 *l. or poſſeſſed of, or intitled to a perſonal eſtate alone, or real and perſonal eſtate together, to the value of* 800 *l.*

So help me GOD.

And if any perſon act contrary to the meaning hereof, he ſhall for every ſuch offence forfeit 50 *l.* to any perſon who ſhall ſue for the ſame; to be recovered in any court of record at *Weſtminſter*, by action of debt, *&c.* wherein no eſſoin, *&c.* ſhall be allowed.

CCLXXX. *Sect.* 14. Every owner of any common ſtage waggon or cart having the fellies of the wheels of leſs breadth than nine inches, ſhall over and above what he is obliged by law to write or paint upon his waggon or cart, cauſe to be painted upon the tilt of every ſuch waggon or cart which has a tilt, and upon the moſt conſpicuous part of ſuch waggon or cart which has not a tilt, the following words in large characters, *viz.* COMMON STAGE WAGGON, or CART; and if any owner of any ſuch waggon or cart uſe by himſelf or ſervant any ſuch waggon or cart, without the words hereby required to be painted, he ſhall forfeit one of the horſes or beaſts of draught (not being the ſhaft or thill horſe) with the accoutrements to the uſe of the perſon ſeizing the ſame; and the perſon making ſuch ſeizure ſhall proceed in like manner, and be intitled to the like remedy, as in caſes of ſeizures of horſes by the 26 *Geo.* 2. *cap.* 30.

CCLXXXI. *Sect.* 15. Every proſecutor or informer may at his election ſue for any forfeiture impoſed by this or any act relating to turnpike-roads, in the ſame manner as ſuch forfeitures are reſpectively directed to be ſued for, or by action in any court of record at *Weſtminſter* in manner following, *viz.* Where any perſon is liable to any ſuch pecuniary penalty, it ſhall be lawful to ſue by action of debt, in which it ſhall be ſufficient to declare that the defendant is indebted to the plaintiff in the ſum of being forfeited by an act, intituled, *An act to amend an act made in the twenty-ſixth year of the reign of his preſent Majeſty, intituled, An act for the amendment and preſervation of the public highways and turnpike-roads of this kingdom, and for the more effectual execution of the laws relating thereto:* And where the forfeiture is of any horſe or beaſt or other goods, by an action of trover, in which the value of any ſuch horſe, beaſt or other goods liable to the forfeiture, ſhall be given in damages, without any proof of any ſeizure or demand.

CCLXXXII. *Sect.* 16. There ſhall not be more than one recovery for the ſame offence *bona fide*, and without fraud; and no action ſhall be brought by virtue of this act in any court of record, unleſs before the end of ſix months after the offence committed.

CCLXXXIII. *Sect.* 17. Every ſurveyor of any turnpike road, and every toll-gatherer, and all ſuch perſons employed by commiſſioners and truſtees for repairing roads, as receive ſalaries, who wilfully neglect to ſeize any ſupernumerary horſe drawing in any waggon or cart contrary to this act, and the 26 *Geo.* 2. *cap.* 30. and wilfully neglect to lay ſuch information upon oath before a juſtice of peace for the county wherein ſuch offence was committed, or before the proper commiſſioners or truſtees at their reſpective meetings, as by the ſaid act is directed, ſhall upon information upon oath before a juſtice of peace for the ſaid county or place, forfeit 10*l.* 5*l.* to the informer, and 5*l.* to be laid out in amending the roads.

CCLXXXIV. **Stat.** 30 *Geo.* 2. *cap.* 28. *ſect.* 1. During ſeven years from the 24th of *June* 1758. the truſtees appointed under any act of parliament made, or to be made, for making or amending turnpike roads, or ſuch perſons as are authorized by them, ſhall take for every waggon or carriage having the fellies of the wheels of leſs breadth than nine inches from ſide to ſide at the leaſt at the bottom, or for the horſes or beaſts drawing the ſame, one half more than the tolls payable for the ſame by any act for making or repairing turnpike roads, before ſuch carriage paſs through any turnpike gate where tolls are payable.

CCLXXXV.

CCLXXXV. *Sect.* 2. Nothing in this act ſhall extend to carts or carriages drawn by one horſe or two oxen.

CCLXXXVI. *Sect.* 3. During the time aforeſaid, it ſhall be lawful for any cart or carriage drawn by two horſes or four oxen, and no more, having the fellies of the wheels of the breadth of ſix inches at the bottom from ſide to ſide, to paſs upon any turnpike road, and through any turnpike-gate, paying the tolls required by any of the ſaid acts.

CCLXXXVII. *Sect.* 4. Whereas there are in ſeveral acts for making turnpike roads, exemptions allowed from payment of tolls in particular caſes and liberties allowed in particular caſes to pay leſſer tolls than are charged upon other carriages during the time aforeſaid, no perſon ſhall by virtue of any of the ſaid acts have the benefit of any exemption from tolls or part of tolls, or pay leſſer toll for any waggon or other carriage, or horſes drawing the ſame, than other carriages of the like nature ought to pay, unleſs ſuch waggon or carriage have fellies of the wheels of the breadth of nine inches; except carts and carriages drawn by one horſe or two oxen, and except carts and carriages drawn by two horſes or four oxen, having the fellies of the wheels of the breadth of ſix inches.

CCLXXXVIII. *Sect.* 5. During the time aforeſaid the truſtees under any act for making or amending turnpike roads, and ſuch perſons as be authorized by them, ſhall permit all waggons and carriages, having the fellies of the wheels of the breadth of nine inches, and drawn according to law, to paſs through any turnpike gate within 100 miles from *London*, paying only ſo much toll as ſhall not exceed one half of the full toll payable for ſuch waggons and carriages reſpectively, or for the horſes or beaſts drawing the ſame.

CCLXXXIX. *Sect.* 6. During the time aforeſaid it ſhall not be lawful for any waggon having fellies of the wheels of the breadth of nine inches, to paſs upon any turnpike road, or through any turnpike gate, unleſs the ſame be drawn by horſes or beaſts of draught in pairs; provided that where there is an odd horſe or beaſt belonging to ſuch waggon, it ſhall be lawful for ſuch odd horſe or beaſt to draw ſuch waggon together with the other horſes or beaſts drawing in pairs; provided that ſuch horſes or beaſts do not exceed the number allowed by law.

CCXC. *Sect.* 7. During the time aforeſaid it ſhall not be lawful for any waggon having the fellies of the wheels of leſs breadth than nine inches, to paſs upon any turnpike road or through any turnpike gate, if the ſame be drawn by horſes or beaſts of draught in pairs, and not by oxen.

CCXCI. *Sect.* 8. If any perſon during the time aforeſaid drive on any turnpike road any common ſtage waggon prohibited by this act, or any waggon or carriage on any turnpike road with any greater number of horſes or beaſts than is allowed by law, or in any wiſe contrary to this act, every perſon ſo offending and every owner of ſuch carriage ſhall be deemed guilty of a common nuſance and miſdemeanor, and ſhall be puniſhed by indictment or information, or ſhall at the election of the proſecutor or informer, for every ſuch offence, be ſubject to ſuch penalties as the owners of carriages, having the fellies of the wheels of leſs breadth than nine inches, are ſubject to by 26 *Geo.* 2. *cap.* 30. to be applied to ſuch uſes and levied as is thereby directed.

CCXCII. *Sect.* 9. During the time aforeſaid, it ſhall not be lawful for any truſtees of any turnpike road to make any compoſition for tolls for any waggon or carriage, or horſes or beaſts drawing the ſame (except as before excepted) unleſs ſuch carriages have the fellies of the wheels of the breadth of nine inches.

By Sect. 10. 28 Geo. 2. cap. 17. ſect. 2. & 8. *are repealed.*

CCXCIII. *Sect.* 11. No waggon having the fellies of the wheels of the breadth of nine inches ſhall paſs along any turnpike road, which ſhall be wider than five feet ſix inches from the middle of the fellies of the wheels on one ſide of ſuch waggon to the middle of the fellies of the wheels on the other ſide of ſuch waggon; and the ſurveyors or gate-keepers of any turnpike road, at any turnpike or other place upon the turnpike road, to meaſure every ſuch waggon; and if any maſter or driver of any waggon hinder ſuch ſurveyor or gate-keeper from meaſuring ſuch waggon, it ſhall be unlawful for every ſuch waggon not permitted to be meaſured to paſs along any turnpike road.

CCXCIV. *Sect.*

CCXCIV. *Sect.* 12. If any action be commenced for any thing done in purſuance of this act, ſuch action ſhall be commenced within ſix calendar months next after the fact committed; and every ſuch action ſhall be brought in the county or place where the defendant reſides, or where the fact was committed; and the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts.

CCXCV. *Sect.* 13. Every waggon, cart or carriage carrying goods for hire ſhall be deemed a common ſtage waggon within the meaning of 28 *Geo.* 2. *cap.* 17.

CCXCVI. *Sect.* 14. Whereas it is in 28 *Geo.* 2. *cap.* 17. *ſect.* 7. enacted that if any collector of the tolls at any turnpike where any crane for weighing carriages is built permit any carriage within the deſcriptions therein mentioned to paſs without weighing, he ſhall be liable to be committed to the houſe of correction, it is hereby enacted that any collector of any tolls at any turnpike ſhall permit all perſons travelling through any turnpike with an empty cart, waggon or other carriage to paſs through the ſame without weighing ſuch empty carriage, and without incurring the penalty aforeſaid; and that ſuch collector ſhall not be obliged to weigh any carriage but thoſe only which be laden.

CCXCVII. **Stat.** 31 *Geo.* 2. *cap.* 34. *ſect.* 2. When it happens that a ſufficient number of truſtees or commiſſioners do not meet to put the ſeveral acts in execution, made for amending and keeping in repair divers roads in *Great Britain*, the clerk or other officer of the ſaid truſtees ſhall within ten days after ſuch neglect of the truſtees to meet, appoint ſuch truſtees, *&c.* to meet at the place where the then laſt meeting was appointed, on the day three weeks after the date of ſuch notice; and in caſe ſuch clerk, *&c.* neglect to give ſuch notice for ten days, it ſhall be lawful for any three or more truſtees, *&c.* appointed by the reſpective acts, within ten days after ſuch neglect of the clerk, *&c.* to appoint ſuch truſtees, *&c.* to meet at the place where the then laſt meeting was appointed, on the day three weeks after the date of ſuch notice; which notices in writing ſhall be affixed on ſuch places as the ſaid acts reſpectively direct, and ſhall be ſufficient notice.

Horſes.

XXXVII. **Stat.** 13 *Geo.* 2. *cap.* 19. *ſect.* 1. No perſon ſhall enter or run any horſe, mare or gelding, for any plate, prize, money or other thing, unleſs ſuch horſe, *&c.* be *bona fide* his property; nor ſhall any one perſon enter and ſtart more than one horſe for the ſame plate or prize; and if any perſon enter or run any horſe not being his property, the ſaid horſe or the value ſhall be forfeited; and if any perſon enter and ſtart more than one horſe for the ſame prize, every ſuch horſe (other than the firſt entered) or the value ſhall be forfeited.

XXXVIII. *Sect.* 2. No prize ſhall be run for by any horſe, or advertiſed, or proclaimed to be run for, unleſs ſuch prize be of the value of 50 *l.* or upwards; and if any perſon enter or run any horſe for any prize of leſs value than 50 *l.* or print, advertiſe or proclaim any notice of any prize of leſs value than 50 *l.* to be run for by any horſe, every perſon ſo entering or running ſuch horſe, ſhall forfeit 200 *l.* and every perſon who ſhall make, print, publiſh, advertiſe, or proclaim any notice of any prize of leſs value than 50 *l.* to be run for by any horſe, ſhall forfeit 100 *l.*

XXXIX. *Sect.* 4. Every race run for any prize ſhall be begun and ended in the ſame day.

XL. *Sect.* 5. No perſon ſhall ſtart or run any match with any horſe, mare or gelding, for any prize, unleſs at *Newmarket Heath* in the counties of *Cambridge* and *Suffolk*, or *Black Hambleton* in the county of *York*, or the ſaid prize be of the value of 50 *l.* or upwards: and in caſe any perſon ſtart or run any ſuch match at any other place, or for any prize of leſs value than 50 *l.* he ſhall forfeit 200 *l.* *See* Par. XLIV.

XLI. *Sect.* 6. All penalties for any offence againſt this act ſhall be ſued for by any action, *&c.* in any court of record at *Weſtminſter*, or at the aſſiſes, and ſhall be diſpoſed of, one moiety to the uſe of ſuch perſon as ſhall ſue, and the other moiety to the uſe of the poor of ſuch pariſh where the offence is committed, except ſuch moiety be

be recovered of any perſon within the county of *Somerſet*; which moiety ſhall go to the uſe of the hoſpital in the city of *Bath*.

XLII. *Sect.* 7. All money paid for entering any horſe ſhall be paid to the ſecond beſt horſe which ſhall run.

XLIII. *Sect.* 8. Nothing herein contained ſhall extend to prevent the ſtarting or running any horſe for any prize now iſſuing out of the rents and profits of any lands or hereditaments, or the intereſt of any money now chargeable with the ſame, or appropriated for that purpoſe.

XLIV. **Stat.** 18 *Geo.* 2. *cap.* 34. *ſect.* 11. It ſhall be lawful to run any match, or to ſtart and run for any prize, of the value of 50 *l.* or upwards, at any weights, and at any place, without incurring the penalties of 13 *Geo.* 2. *cap.* 19. *ſect.* 3.

Houſes.

I. **Stat.** 20 *Geo.* 2. *cap.* 3. *ſect.* 1. After the 25th of *March* 1747. all the duties upon houſes granted by 7 & 8 *Will.* 3. *cap.* 18. or by 8 *Ann. cap.* 4. and continued and made perpetual by 8 & 9 *Will.* 3. *cap.* 20. 1 *Ann. ſtat.* 1. *cap.* 13. 5 *Ann.* 13. and 5 *Geo.* 1. *cap.* 19. ſhall ceaſe, and all the powers given by the ſaid acts for levying the ſaid duties and all penalties relating thereto ſhall alſo ceaſe, except as to the recovering arrears at that time unpaid.

II. *Sect.* 2. There ſhall be paid unto his Majeſty the ſeveral duties upon houſes, windows or lights after mentioned; *viz.*

Upon every dwelling-houſe inhabited in England, *the yearly ſum of two ſhillings.*

For every window in every dwelling-houſe in Great Britain, *which contains ten, eleven, twelve, thirteen, or fourteen windows, the yearly ſum of ſix pence.*

For every window in every dwelling houſe which contains 15, 16, 17, 18, *or* 19 *windows, the yearly ſum of* 9 d.

For every window in every ſuch dwelling-houſe which contains 20 *windows and upwards, the yearly ſum of* 1 *s.*

III. *Sect.* 3. The ſaid yearly ſums charged upon every window in every dwelling-houſe in *England*, ſhall be paid over and above the duty of 2 *s.* upon houſes.

IV. *Sect.* 4. The duties by this act granted ſhall be paid quarterly, at the four uſual feaſts.

V. *Sect.* 5. The duties by this act granted ſhall be charged only upon the inhabitants or occupiers, and not on the landlord.

VI. *Sect.* 6. The commiſſioners of the land-tax ſhall be commiſſioners for putting in execution this act; and ſhall in their reſpective counties and places meet yearly before the 30th of *April*, and divide themſelves in hundreds, towns and places, and direct precepts to ſuch inhabitants as they think convenient to be aſſeſſors, and to appear before them at ſuch time and place as they appoint, not exceeding 10 days; and at ſuch their appearances the commiſſioners ſhall cauſe to be read unto them the duties in this act mentioned, and declare the effect of their charge, and how they ſhould make their aſſeſſments; and ſhall prefix a day for them to bring in their certificates in writing under their hands, to be verified upon oath, of every dwelling-houſe inhabited and charged by this act, within the limits for which they act, and of the number of windows in each houſe, together with the names of the inhabitants, and the ſums they ought to pay, without concealment or favour; upon pain of forfeiture of any ſum not exceeding 5 *l.* nor leſs than 40 *s.* and ſhall alſo then return the names of two or more perſons within the limits where they are aſſeſſors to be collectors of the duties; for whoſe paying unto the receiver general (appointed by his Majeſty or by the commiſſioners of the treaſury) or his deputy, ſuch money as they ſhall be charged withal, the pariſh by whom they are employed ſhall be anſwerable; and every aſſeſſor ſhall before he take upon him the execution of the ſaid employment, take the oaths required to be taken by 1 *Will. & Mar. cap.* 8. which oaths any three of the commiſſioners

ſioners in the county or place where the aſſeſſment is to be made are to adminiſter, as alſo all other oaths by this act required.

VII. *Sect.* 7. The duties ſhall be aſcertained, and the certificates thereof returned to the commiſſioners, on or before the 4th of *June* yearly; and upon the return of ſuch certificates or aſſeſſments unto the commiſſioners, they or three of them ſhall at leaſt ten days before the duties become due, iſſue out warrants under their hands and ſeals to the collectors for collecting the duties. The collectors ſhall make demand of the parties chargeable, or at the places of their laſt abode, within ten days after the duties are due, and upon payment ſhall give acquittances under their hands (without taking any thing for ſuch acquittances) unto the perſons who pay the ſame; and ſuch acquittances ſhall be a diſcharge to every ſuch perſon, and the collectors ſhall pay in all ſuch ſums as they receive within 20 days after the receipt thereof, at ſuch place as the commiſſioners appoint, unto the reſpective receiver-general or his deputy, who in default of ſuch payment ſhall levy by warrant of any three commiſſioners upon the collector, by diſtreſs and ſale of goods, ſuch money as he hath received, and is not paid.

VIII. *Sect.* 8. The collectors ſhall cauſe a copy of the aſſeſſments, and of the collection made by them, to be ſigned by them, with ſuch alterations as be neceſſary by reaſon of any new houſes erected or otherwiſe, to be delivered unto three or more of the commiſſioners within 10 days after the firſt meeting of the commiſſioners yearly.

IX. *Sect.* 9. The commiſſioners or three of them ſhall peruſe the aſſeſſments annually delivered to them, and examine the aſſeſſors; and if within 10 days after the delivery of the aſſeſſments they ſuſpect any dwelling-houſe or perſons to be omitted, or the full number of windows not ſet down, or that any dwelling-houſe is not duly charged, they ſhall have power to ſummon the perſon inhabiting ſuch dwelling-houſe to be examined touching the duties or other matters concerning the premiſſes; and if any perſon ſummoned neglect to appear, not having a reaſonable excuſe, he ſhall pay unto his Majeſty double the ſum he ought to have been ſet at; and the commiſſioners to whom ſuch aſſeſſments are delivered, or three of them, or any other three commiſſioners of the reſpective counties or ſtewartries where ſuch aſſeſſments are made, ſhall inquire into the number of windows in any dwelling-houſe thereby charged or omitted, and enlarge or diminiſh the aſſeſſments, ſo that ſuch rates may be ſet upon every dwelling-houſe as be according to the meaning of this act; and the commiſſioners, or three of them, ſhall after examination thereof ſet their hands to the aſſeſſments, and ſhall appoint two of the perſons named in the aſſeſſment to be collectors, or any other two perſons they think reſponſible, for the reſpective diviſions and places for which they were ſo preſented; and ſhall deliver ſuch aſſeſſment unto the collectors for the year enſuing, who are to collect and pay the duties, and to give acquittances.

See 21 Geo. 2. cap. 10. ſect. 4. *infra.*

X. *Sect.* 10. The commiſſioners ſhall cauſe duplicates of the aſſeſſments within three months at fartheſt after the 25th of *March* yearly (the appeals being firſt heard and determined) to be delivered unto the reſpective receivers-general, and tranſmitted into the offices of the King's remembrancer in the exchequer in *England* and *Scotland* reſpectively; for which duplicates the officers ſhall give acquittances *gratis*, ſo as every of them may be duly charged to anſwer their reſpective collections and receipts; and the ſaid duplicates ſhall be made for the ſame hundreds or places for which diſtinct duplicates are uſually made out for the land-tax; and in every duplicate ſhall be inſerted the names of the aſſeſſors and collectors. And the reſpective receivers-general ſhall pay the money received into the exchequer, by quarterly payments upon the days herein before appointed, or within 40 days after; and in caſe any receiver-general or his deputy pay any part of the ſaid monies to any perſon other than into the exchequer, and within the reſpective times limited by this act (except the neceſſary charges of receiving, levying and accounting) ſuch receiver-general ſhall, for every ſuch offence of himſelf or his deputy, forfeit 500 *l.* to him that ſhall ſue in any court of record; and if any ſurveyor of the duties wilfully under-rate or over-rate, or omit to charge any perſon liable, or be guilty of any corrupt practices in the execution of his office, he ſhall for every ſuch offence forfeit 100 *l.* and be diſmiſſed from his employment.

XI. *Sect.*

XI. *Sect.* 11. Every receiver-general ſhall have an allowance of 2 *d.* in the pound for all monies by him paid into the exchequer, and every collector ſhall have 3 *d.* in the pound for what money he pays to the receiver-general or his deputies; and for writing the aſſeſſments, warrants, eſtreats and duplicates, the clerks of the commiſſioners ſhall by warrant under three commiſſioners hands receive from the reſpective receivers-general or their deputies three-halfpence in the pound of all monies received by virtue of ſuch warrants or certificates, provided the warrants be made out, and the duplicates delivered to the receiver-general, and into the reſpective offices of the King's remembrancer, within the times limited by this act, and not otherwiſe. And if any perſon refuſe to pay the ſums appointed by this act upon demand by the officer or collector of the place, it ſhall be lawful for ſuch collector to diſtrain the perſon ſo refuſing by his goods, and the diſtreſs to keep for four days at the charge of the owners, and if the owners do not pay the money due within the ſaid four days, then the ſaid diſtreſs to be appraiſed by two inhabitants where it is taken, and to be ſold for payment of the ſaid money, and the overplus over and above the charges to be reſtored to the owner; and it ſhall be lawful to break open in the day-time, any houſe upon warrant of three commiſſioners, calling to their aſſiſtance the conſtable, tything-man or headborough, within the counties, ſtewartries, and places where any neglect or reſiſtance is made; and if any perſon appointed to pay the duties charged by this act neglect to pay the ſame for 20 days after demand, where no ſufficient diſtreſs can be found, three commiſſioners for ſuch place may by warrant commit ſuch perſon to the common gaol until payment.

XII. *Sect.* 12. The commiſſioners ſhall give the collectors notice at what time and place the appeals of any perſons who think themſelves aggrieved may be heard; and every collector ſhall within 10 days after ſuch notice, cauſe public notice to be given in every pariſh church or chapel of eaſe within his diſtrict, after divine ſervice on the Lord's day (if divine ſervice be performed therein within that time) of the time and place ſo appointed, and ſhall cauſe the like notices to be fixed in writing upon the door of each of the ſaid pariſh churches or chapels on the ſame day; and the commiſſioners or three of them ſhall examine the parties complaining, upon oath, concerning the number of windows in the dwelling-houſe for which he is charged, and ſhall abate or enlarge the aſſeſſment; and the ſame ſo enlarged, on non-payment ſhall be eſtreated into the exchequer. And every perſon ſo intending to appeal ſhall give notice in writing to one or more of the aſſeſſors of the pariſh wherein he is rated.

XIII. *Sect.* 14. No letters patent of any liberties or exemptions ſhall exempt any perſon, city or town corporate, or the inhabitants, from the charge of any money granted by this act, and all *Non-obſtantes* in ſuch letters patent in bar of any acts of parliament for the ſupply of his Majeſty are hereby declared to be void.

XIV. *Sect.* 15. Where any perſon chargeable with any rates by this act is under age, the parents, guardians and tutors of ſuch infants upon default of payment, ſhall be liable to the payments which ſuch infant ought to have made; and if they neglect to pay, it ſhall be lawful to proceed againſt them as againſt any other perſons making default of payment; and all parents, *&c.* making payment, ſhall be allowed the ſums paid for ſuch infants.

XV. *Sect.* 16. If any collector neglect to pay any money by him received, the commiſſioners of each county, *&c.* or three of them, in their reſpective diviſions, ſhall impriſon the perſon and ſeize the eſtate as well freehold as copyhold, and all other eſtate real and perſonal of ſuch collector, or which ſhall come into the hands of his heirs, executors or adminiſtrators, and ſhall appoint a general meeting of the commiſſioners for ſuch county, *&c.* and cauſe public notice to be given of the place where ſuch meeting is appointed 10 days at leaſt before; and the commiſſioners preſent at ſuch general meeting, or the major part of them, in caſe the monies detained by ſuch collector be not paid, ſhall ſell ſuch eſtates to ſatisfy and pay into the hands of the receiver-general the ſum ſo detained by ſuch collector.

XVI. *Sect.* 17. In all privileged and other places extraparochial, and not within the precincts of the reſpective aſſeſſors, the commiſſioners, or three of them, ſhall appoint two perſons living in or near the ſaid places to be aſſeſſors for the ſaid places, and ſhall appoint two or more collectors.

XVII. *Sect.* 18. No perſon inhabiting in any city, borough or town corporate ſhall be compelled to be an aſſeſſor or collector in any place out of the limits of the ſaid city, *&c.*

XVIII. *Sect.* 20. No ſtay of proſecution, upon any command, warrant, motion, or order by *Non vult ulterius proſequi*, ſhall be allowed by any court, in any ſuit for the penalties by this act inflicted, in order to the conviction or diſability of any perſon offending againſt this act.

XIX. *Sect.* 21. If any aſſeſſor, collector, or other perſon appointed by the commiſſioners, wilfully neglect his duty in the execution of this act, the reſpective commiſſioners, or three of them, ſhall impoſe on ſuch perſon any fine not exceeding 20 *l.* nor leſs than 5 *l.* for any one offence; to be levied and certified as aforeſaid, and given in charge to the reſpective receivers-general amongſt the rates; and the commiſſioners ſhall from time to time call for an account from the receivers-general of all the monies received of the collectors, and of the payment thereof into the exchequer; and in caſe of a failure in the premiſſes, ſhall cauſe the ſame to be levied and paid. And in caſe of any controverſy between the commiſſioners concerning the rates, the commiſſioners concerned therein ſhall have no voice, but withdraw during the debate. And the receiver-general or his deputies ſhall give acquittances *gratis* to the collectors for all monies by them received, which ſhall be a diſcharge to the collectors. And the collectors ſhall deliver to the receivers-general or their deputies, a ſchedule in parchment under their hands and ſeals, ſigned by three of the commiſſioners, containing the names and places of abode of every perſon within their reſpective collections that make default of payment: and the ſums charged on every ſuch perſon ſhall be returned into the courts of exchequer in *England* and *Scotland* reſpectively, whereupon every perſon ſo making default may be charged by proceſs: and all the officers reſpectively herein concerned, ſhall take care that ſuch proceſs be iſſued and made effectual.

XX. *Sect.* 22. All conſtables and other officers ſhall be aſſiſting in the execution of this act, and obey and execute all precepts or warrants to them directed by the commiſſioners.

XXI. *Sect.* 23. All monies payable by this act ſhall be paid by the collectors of the reſpective counties and places unto ſuch receiver-general, appointed as aforeſaid, or his deputies appointed under his hand and ſeal, whereof notice ſhall be given by the receiver-general unto the commiſſioners within their reſpective diviſions, within 20 days after their firſt general meeting, and within 20 days after every death or removal of any deputy; and the receipt of ſuch receiver-general or his deputy, ſhall be a diſcharge unto every ſuch collector.

XXII. *Sect.* 24. The collectors ſhall not be obliged to travel above 10 miles from the place of their habitations to make their payments.

XXIII. *Sect.* 25. If any receiver general return unto the courts of exchequer in *England* or *Scotland*, any money to be in arrear after the ſame has been received by ſuch receiver-general or his deputy, or cauſe any perſon to be ſet *inſuper* in the ſaid courts for any money that hath been ſo received, he ſhall forfeit to ſuch perſon double the damages thereby occaſioned; to be recovered by action of debt, in which no eſſoin, *&c.* ſhall be allowed, and ſhall alſo forfeit to his Majeſty double the ſum ſo unjuſtly returned or cauſed to be ſet *inſuper*.

XXIV. *Sect.* 26 No receiver, his heirs, *&c.* ſhall in any accounts of the monies wherewith he is chargeable (unleſs ſuch account be paſſed in the exchequer within two years after the end of the year for which ſuch rates are payable) be allowed to ſet *inſuper* any county or place, for any arrears, but the ſame ſhall remain a debt upon ſuch receiver and his ſecurities.

XXV. *Sect.* 27. No commiſſioner ſhall be liable for the execution of this act to any of the penalties mentioned in 25 *Car.* 2. *cap.* 2.

Recuſants.

XXVI. *Sect.* 28. All penalties for which there is no particular way of levying herein preſcribed, ſhall be levied by warrant under the hands and ſeals of three or more of the commiſſioners of the place where the offence was committed, by diſtreſs and ſale of the goods of the offender.

XXVII. *Sect.* 29. Such dwelling-houſes only where the occupier by reaſon of poverty is exempted from the uſual taxes towards the church and poor, ſhall be diſcharged

charged of the duties hereby granted, and that only in ſuch caſes where the dwelling-houſes ſo occupied are cottages not containing above nine windows.

XXVIII. *Sect.* 30. It ſhall be lawful for his Majeſty or the commiſſioners of the treaſury, to appoint officers for the ſurvey and inſpection of the duties by this act granted in *Great Britain*, and for viewing and numbering the windows in each houſe, and for examining the aſſeſſments: any of which officers ſhall have power to examine the aſſeſſments of the houſes or windows rated in every pariſh, and at ſeaſonable times, with a conſtable or other officer of the pariſhes, to examine whether there be any more windows than are rated, and ſhall have liberty to paſs through any houſe into any court or backſide thereunto belonging, and externally to view the windows in any ſuch houſe that cannot be otherwiſe ſeen or numbered; and to make like view twice in the year during the continuance of this act; and if ſuch officer find that any perſon or premiſſes are under-rated or not rated, he ſhall certify the ſame to the commiſſioners within the diviſion; who ſhall cauſe ſuch rate to be ſet upon every ſuch perſon and premiſſes according to the meaning of this act.

XXIX. *Sect.* 31. Where any houſe is inhabited by two or more perſons or families, ſuch houſe ſhall pay the rates as if it was inhabited by one perſon only.

XXX. *Sect.* 32. Each diſtinct chamber or apartment in any college or hall in any of the univerſities of *Great Britain*, ſhall be ſubject to the ſame rates as if it were an entire houſe paying to church and poor.

XXXI. *Sect.* 33. Every houſe left to the care of any ſervant, who doth not pay to the church and poor, ſhall be ſubject to the like rates as if it were inhabited by the occupier, or by a tenant, and to be paid by the reſpective occupiers or tenants of the ſame.

XXXII. *Sect.* 34. In caſe there be any arrear of the rates by reaſon of the failure of any collector for which any pariſh ſhall be anſwerable, it ſhall be lawful for any three commiſſioners to cauſe ſuch arrear to be re-aſſeſſed within the ſaid pariſh or place on all houſes liable to the payment of the rates, and to cauſe the ſame to be levied as the rates, and to cauſe the money ſo raiſed to be paid to the receiver-general or into the exchequer.

XXXIII. *Sect.* 35. Where any dwelling-houſe is let in different apartments to ſeveral perſons, and the landlord pays other taxes and pariſh rates, ſuch landlord ſhall be deemed the occupier and be charged with the rates as one entire houſe.

XXXIV. *Sect.* 36. No collector ſhall collect by any rate or book other than ſuch as ſhall be ſigned by the commiſſioners, and in caſe any collector collect the ſame by any other rate, or receive ſuch rates from any perſon not charged, or collect from any perſon more than is charged and not pay the whole money by him collected, or fraudulently alter any ſuch rate, he ſhall for every ſuch offence forfeit 20 *l.*

XXXV. *Sect.* 37. The ſurveyors ſhall examine the rates for any pariſh or place before the commiſſioners have ſigned the ſame, and amend ſuch rates if they ſee cauſe; and if any ſuch ſurveyor after the ſaid rates are ſigned, find that any dwelling houſes or windows which ought to be charged have been omitted or are under-rated, he ſhall certify the ſame under his hand, by way of ſurcharge, to any three of the commiſſioners, in order to have ſuch omiſſion or under-rate certified in the aſſeſſment; and ſuch commiſſioners are to cauſe the ſame to be rectified.

XXXVI. *Sect.* 38. When two or more windows are fixed in one frame, if the partition between ſuch windows is of the breadth of 12 inches, the window on each ſide ſhall be deemed a diſtinct window; and all windows in frames extended ſo far as to give light into more rooms than one, ſhall be reckoned ſo many ſeparate windows as there are rooms enlightened thereby.

XXXVII. *Sect.* 39. If any occupier of any dwelling-houſe open any windows which have been ſtopped up, after the aſſeſſments are ſettled and the warrants for collecting the rates ſigned by the commiſſioners, without firſt giving notice in writing to the ſurveyor, he ſhall forfeit 20 *s.* for each window opened as aforeſaid.

XXXVIII. *Sect.* 40. In pariſhes or places where there is not a ſufficient number of acting commiſſioners, it ſhall be lawful for the commiſſioners in any neighbouring pariſh within the ſame county to make out and ſign ſuch aſſeſſments or duplicates which are wanting.

XXXIX. *Sect.* 41. Where perſons quit their dwelling-houſes without firſt paying the rates charged upon them, the commiſſioners within the pariſh where the rates are unpaid, ſhall ſign and cauſe to be tranſmitted a certificate thereof to the commiſſioners within the pariſh where the perſon making ſuch default reſides; which commiſſioners ſhall raiſe the ſaid rates, and cauſe the monies ſo raiſed to be paid to the collectors of the pariſh from whence the ſaid perſon removed.

XL. *Sect.* 42. All perſons employed in the execution of this act, ſhall obſerve ſuch orders as they receive from the commiſſioners of the treaſury.

XLI. *Sect.* 43. Out of the monies to ariſe of the ſaid rates, it ſhall be lawful for the commiſſioners of the treaſury to appoint ſalaries for the ſurveyors and other officers employed in the execution of this act, and to diſcharge all neceſſary incident expences.

XLII. *Sect.* 66. If any perſon be proſecuted for any thing done in purſuance of this act, he may plead the general iſſue; and if a verdict paſs for the defendant, *&c.* the defendant ſhall recover treble coſts.

XLIII. **Stat.** 20 *Geo.* 2. *cap.* 42. *ſect.* 1. Where the commiſſioners mentioned in the 20 *Geo.* 2. *cap.* 3. have omitted or ſhall omit to meet at the times directed by the ſaid act, it ſhall be lawful for them or any two of them, to meet and execute the powers thereby given at any other times as there ſhall be occaſion.

XLIV. *Sect.* 2. The ſaid commiſſioners or any two of them ſhall appoint ſuch aſſeſſors, and for ſuch diſtricts within their reſpective limits, as they judge proper, out of the perſons by their precepts ordered to appear before them; and if any of the perſons on whom ſuch precepts be ſerved, neglect to appear, or they or any of the collectors or officers appointed under the ſaid act, wilfully neglect or refuſe to take the oaths appointed by the ſaid act, or to take upon them their reſpective offices, the ſaid commiſſioners, or any two of them, are to impoſe on every perſon ſo neglecting any fine not exceeding 5 *l.* for any one offence, to be levied as other fines by the ſaid act are directed. See *Sect.* 3. in **Wales.**

XLV. *Sect.* 4. *Quakers*, being appointed aſſeſſors for the ſaid duties upon houſes and windows, inſtead of the oaths appointed by the ſaid act may make and ſubſcribe the declaration of fidelity preſcribed by 1 *W. & M. ſtat.* 1. *cap.* 18. **Nonconformiſts.** XXXV. LIV. And all certificates returned to the commiſſioners verified by any ſuch perſons upon their affirmation, ſhall be as valid as if verified upon their oath.

XLVI. **Stat.** 21 *Geo.* 2. *cap.* 10. *ſect.* 1. Every kitchen, ſcullery, buttery, pantry, larder, waſh-houſe, laundry, bakehouſe, brewhouſe, and lodging-room belonging to, or occupied with any dwelling-houſe, whether the ſame ſhall or ſhall not be within, or contiguous to, or disjoined from the body of ſuch dwelling-houſe, ſhall be deemed part of ſuch dwelling-houſe; and all windows or lights therein ſhall be charged with the duties granted by 20 *Geo.* 2. *cap.* 3.

XLVII. *Sect.* 2. Sky-lights, and windows or lights in ſtair-caſes, garrets, cellars, paſſages, and in all other parts of dwelling-houſes, to what uſe ſoever applied, ſhall be chargeable with the ſaid duties.

XLVIII. *Sect.* 3. No commiſſioner of the land tax ſhall act as a commiſſioner for putting in execution the ſaid act, or this act, unleſs he be duly qualified; on pain of forfeiting for every ſuch acting 20 *l.* to be levied as other penalties by this act.

XLIX. *Sect.* 4. That part of the ſaid act, (*Sect.* 9.) whereby the commiſſioners have power to enlarge or diminiſh the aſſeſſments delivered to them, before they ſet their hands to ſuch aſſeſſments, ſhall be repealed.

L. *Sect.* 5. No aſſeſſment delivered to the commiſſioners, ſhall be altered before the time appointed for hearing appeals, and then only upon hearing the appeal upon a general appeal-day.

LI. *Sect.* 6. The ſurveyors of the duties ſhall twice in every year, *viz.* on or before the 10th of *Auguſt* and the 10th of *January* yearly, certify under their hands, by way of ſurcharge, to any three of the commiſſioners, what dwelling-houſes or windows have been omitted in the aſſeſſment for the then current year; and thereupon, and upon oath that notice was left at the dwelling-houſes of the occupiers, that the ſurveyors

veyors intended to charge them for ſuch number of windows, the commiſſioners ſhall cauſe ſuch aſſeſſments to be rectified and delivered to the collectors, and the duties to be levied accordingly.

LII. *Sect.* 7. After the 25th of *March* 1748, all appeals made to the commiſſioners, between the 25th of *March* and the 20th of *Auguſt* yearly, ſhall be heard and determined by the commiſſioners upon days by them appointed between the 20th of *Auguſt* and the 15th of *September* following; and all appeals made between the 29th of *September* and the 20th of *January* following yearly, ſhall be heard upon days appointed between the 20th of *January* and the 10th of *February* following yearly.

LIII. *Sect.* 8. The commiſſioners ſhall not upon hearing any appeal, make any abatement in the charge or ſurcharge, unleſs it appear by examination upon oath, that ſuch perſon is over-rated by the ſaid aſſeſſment or ſurcharge; and every perſon intending to appeal ſhall give at leaſt ten days notice in writing to the ſurveyor or to one or more of the aſſeſſors of the pariſh wherein he is rated, and ſuch ſurveyor and aſſeſſors may attend to juſtify the aſſeſſment and ſurcharge; and ſuch ſurveyor and aſſeſſors, and appellant, unleſs they miſbehave, ſhall have liberty to be preſent during the hearing ſuch appeal.

LIV. *Sect.* 9. All appeals once heard and determined by the commiſſioners, or three of them, or the major part then preſent on the days appointed for hearing appeals, ſhall be final, except as is herein after directed.

LV. *Sect.* 10. If the ſurveyors, or the perſon appealing in *England*, *Wales* or *Berwick*, then declare himſelf diſſatisfied with ſuch determination, it ſhall be lawful for ſuch ſurveyor or perſon to require the commiſſioners to ſtate ſpecially and ſign the caſe upon which the queſtion aroſe, together with their determination; which ſhall be delivered to the party making ſuch requeſt, to be by him tranſmitted to one of the juſtices of the *King's Bench* or *Common Pleas*, or one of the barons of the coif of the *Exchequer*; and every ſuch juſtice and baron is to return an anſwer to ſuch caſe, with his opinion thereupon ſubſcribed; according to which the aſſeſſment ſhall be altered or confirmed; and if the ſurveyor or perſon appealing in *Scotland* then declare himſelf diſſatisfied with ſuch determination, it ſhall be lawful for ſuch ſurveyor or perſon diſſatisfied, to require the commiſſioners to ſtate ſpecially and ſign the caſe upon which the queſtion aroſe, together with their determination; which ſhall be delivered to the party making ſuch requeſt, to be by him tranſmitted to one of the judges of the court of ſeſſion, or of the barons of the exchequer in *Scotland*; and every ſuch judge and baron is to return an anſwer to ſuch caſe, with his opinion thereupon ſubſcribed; according to which the aſſeſſment ſhall be altered or confirmed. Provided that notwithſtanding ſuch caſe ſo tranſmitted to any of the ſaid judges, the determination of the commiſſioners ſhall ſtand with reſpect to the payments become due precedent to the opinion certified by ſuch judge.

LVI. *Sect.* 11. No window or light ſhall be deemed to be ſtopped up, unleſs it be ſtopped up effectually with ſtone, or brick, or plaiſter upon lath, or upon any other material commonly uſed to plaiſter upon, or with the ſame kind of materials whereof the outſide of ſuch dwelling-houſe doth chiefly conſiſt.

LVII. *Sect.* 12. Provided that nothing in this act ſhall extend to any windows which were really and *bona fide* ſtopped up with any materials whatſoever before the making of the 20 *Geo.* 2. *cap.* 3.

LVIII. *Sect.* 13. The payment of the duties granted by the ſaid act, by any occupier of any dwelling-houſe in any pariſh or place, ſhall not entitle the perſon ſo paying to a legal ſettlement in ſuch pariſh or place.

LIX. *Sect.* 14. If any perſon wilfully obſtruct or moleſt any aſſeſſor or ſurveyor in the execution of his office, ſuch perſon ſhall for every offence forfeit 5 *l.* to be levied as the duties.

LX. *Sect.* 15. All fines and forfeitures levied by warrant of the commiſſioners (except one moiety of fines impoſed for opening any window after the ſame is ſtopped up, without giving notice, which ſhall be paid to the informer) ſhall be paid to the collector of the place where the ſame are levied; and ſhall be added to the aſſeſſments of the duties within ſuch place delivered to the collectors, and to the duplicates, and be given in charge to the receivers general, and be paid to them amongſt the ſaid duties, and be paid into the exchequer.

LXI. *Sect.*

LXI. *Sect.* 16. After the 25th of *March* 1748, the ſeveral commiſſioners and aſſeſſors reſiding in any county, ſtewartry or place, ſhall be aſſeſſed for ſuch duties, by the aſſeſſors appointed for the reſpective place wherein ſuch commiſſioners and aſſeſſors reſide, in the ſame manner as other perſons.

LXII. *Sect.* 17. Where there ſhall be arrears of the duties unpaid, it ſhall be lawful for the commiſſioners to cauſe the monies ſo in arrear to be levied by the reſpective collectors of the places where ſuch arrears happen, in the ſame manner and under the like penalties as the duties; and the monies received ſhall be paid to the reſpective receivers general to be paid into the exchequer.

LXIII. *Sect.* 18. Every occupier of any chamber in the inns of court or chancery, ſhall be rated and pay for every window in his chamber 1 *s.*

LXIV. *Sect.* 19. No occupier of any ſuch chamber ſhall be compelled to pay or contribute towards the duty of 2 *s.* charged by the ſaid act on a dwelling-houſe inhabited.

LXV. *Sect.* 20. If any action or information be brought for any thiug done in execution of the ſaid act or of this act in *England*, *Wales*, or *Berwick*, the defendant may plead the general iſſue, and if the plaintiff be nonſuit, *&c.* the defendant ſhall recover treble coſts.

LXVI. *Sect.* 21. The ſurveyor or ſurveyors appointed as by the ſaid act is directed, ſhall have power twice in the year to enter into, and paſs through any houſe within any city or royal burgh in *Scotland*, and view the ſame internally as well as externally, and to view any other houſe in *Scotland* externally, in like manner as ſurveyors are impowered to view houſes by 20 *Geo.* 2. *cap.* 3. *ſect.* 30.

LXVII. *Sect.* 22. The ſaid duties with reſpect to windows in *Scotland*, liable for the ſame, ſhall be paid by the inhabitants or occupiers of the reſpective dwelling-houſes, their heirs or executors halfyearly, *viz.* at the 29th of *September* and 25th of *March*, by equal portions.

LXVIII. *Sect.* 23. For the execution of the ſaid act in *Scotland*, the commiſſioners of the land-tax being duly qualified ſhall be commiſſioners for putting in execution this act within the reſpective ſhires, ſtewarties, cities or boroughs in *Scotland* for which they are commiſſioners of the land-tax, and ſhall adminiſter an oath to ſuch as be appointed aſſeſſors for the faithful adminiſtration of their office.

LXIX. *Sect.* 26. Every perſon occupying any dwelling-houſe in any edifice or land in *Scotland*, having more than nine windows, whether ſuch dwelling-houſe be in a ſeparate building and under a ſeparate roof, or be part of any edifice, land or building, and under the ſame roof with other dwelling-houſes, and which dwelling-houſe any perſons ſhall have been in poſſeſſion of after the term of *Whitſunday* or *Martinmas* preceding any of the half-yearly days appointed for the payment of the ſaid duties, ſhall be deemed the occupier and tenant of ſuch houſe.

LXX. *Sect.* 27. In caſe the commiſſioners appointed for putting the ſaid act in execution in *Scotland*, ſhall not iſſue their precepts for chuſing aſſeſſors, or if the aſſeſſors ſhall not bring in their certificates, it ſhall be lawful for the ſurveyors to make a certificate under their hands, of every dwelling-houſe within the pariſhes in which they act, and of the number of windows in each houſe, with the names of the occupiers and of the ſums they ought to pay, and to return ſuch certificates to the ſurveyors general at *Edinburgh*, who are to deliver the ſame to the barons of the exchequer in *Scotland*; and the ſaid barons or any two of them are to appoint collectors, and the barons of the exchequer in *Scotland* ſhall have the ſame powers as are given to the commiſſioners by the ſaid former act or this act. Qu. *If in force ſince* 26 Geo. 2. cap. 17.

Scotland *Houſes.*

LXXI. *Sect.* 28. All penalties in *Scotland* (other than thoſe incurred by any collector) ſhall be payable to the collector of the place where the ſame are incurred; and (where no other way is herein preſcribed) ſhall be levied by warrant under the hands of three or more commiſſioners of ſupply for ſuch ſhire, ſtewartry, city or borough, by poinding and diſtraining, and ſale of the offender's goods, rendering the overplus to the owner after deduction of reaſonable charges; and the collector of every ſhire, *&c.* ſhall keep an account of all fines, forfeitures and ſums levied in force of this act, ſeparate from his account of the ſingle duties contained in the aſſeſſment delivered to him by the commiſſioners; and ſhall lay ſuch account before the commiſſioners half-yearly,

at the time of their ſtated half-yearly meetings: and the commiſſioners ſhall have power to deduct and allow to ſuch collector ſuch part of the ſums charged in his ſaid ſeparate account, as to them ſeems meet, for defraying the expence of levying the ſame, or other incidental expences not hereby provided for; and the ſaid commiſſioners ſhall cauſe to be tranſmitted certificates of the ballance remaining due on every ſuch account, to the offices of the King's remembrancer in the exchequer in *Scotland*, and of the receiver general of the duties aforeſaid at *Edinburgh*, that ſuch ballance may be made a charge upon ſuch collector, and paid over to the ſaid receiver general, and by him into the exchequer at *Weſtminſter*.

LXXII. **Stat.** 31 *Geo.* 2. *cap.* 22. *ſect* 31. There ſhall be paid unto his Majeſty the duty upon houſes, windows or lights, after mentioned, *viz.*

For every dwelling-houſe inhabited within England, *the yearly ſum of one ſhilling, over and above the yearly ſum of two ſhillings already charged.*

And for every dwelling-houſe inhabited within Scotland, *the yearly ſum of one ſhilling.*

And for every window in every dwelling-houſe inhabited throughout Great Britain, *which ſhall contain fifteen windows or upwards, the yearly ſum of ſix pence for each window, over and above the duties chargeable thereupon by former acts.*

LXXIII. *Sect.* 32. The ſaid duties by this act impoſed upon houſes and windows ſhall be raiſed and paid into the exchequer, for the purpoſes of this act, in ſuch manner, and with ſuch allowances, and under ſuch penalties, as are preſcribed by 20 *Geo.* 2. *cap.* 3. and *cap.* 42. and 21 *Geo.* 2. *cap.* 10.

LXXIV. *Sect.* 33. No houſe or cottage in *Scotland* that has not more than five windows, ſhall be liable to pay the duty of one ſhilling impoſed on each houſe by this act.

LXXV. *Sect.* 34. The commiſſioners for putting in execution the three ſaid former acts, or either of them, for the reſpective counties and places within *Great Britain*, ſhall meet at the uſual place within ſuch counties and places reſpectively on or before the 29 *July* 1758. and divide themſelves to act in ſeparate diſtricts, and proceed in the execution of this act, for aſſeſſing and collecting the duties hereby impoſed, in the ſame manner as is preſcribed by the three former acts or either of them with reſpect to the duties thereby impoſed.

New duties are impoſed by 2 Geo. 3. cap. 8.

Idcots and Lunaticks.

V. **Stat.** 15 *Geo.* 2. *cap.* 30. In caſe any perſon found a lunatick, by any inquiſition taken by virtue of a commiſſion under the great ſeal of *Great Britain*, or any lunatick or perſon under a phrenſy, whoſe perſon and eſtate by virtue of any act of parliament ſhall be committed to the care of particular truſtees, ſhall marry before he or ſhe be declared of ſane mind by the lord chancellor, or ſuch truſtees as aforeſaid or the major part of them, every ſuch marriage ſhall be void.

Indemnity.

Stat. 19 *Geo.* 2. *cap.* 39. *ſect.* 18. All perſonal actions and ſuits, indictments and informations, which have been or ſhall be proſecuted, and all moleſtations, proſecutions, and proceedings and judgments thereupon, for any thing done before the 25th of *July* 1746. in order to ſuppreſs the rebellion, or for the preſervation of the public peace, or for the ſafety or ſervice of the government, ſhall be diſcharged; and every perſon by whom any ſuch thing ſhall be done for the purpoſes aforeſaid, before the ſaid five and twentieth of *July*, ſhall be indemnified as well againſt the King as againſt all other perſons; and if any action be commenced in *England* againſt any perſon for any ſuch thing

before the ſaid 25th of *July*, he may plead the general iſſue, and give this act and the ſpecial matter in evidence; and if the plaintiff be nonſuit, *&c.* the defendant ſhall recover his double coſts; and if ſuch action be commenced in *Scotland*, the court ſhall allow to the defender the benefit of the indemnity above provided, and ſhall further diſcern the purſuer to pay to the defender the expences that he is put to by ſuch action.

India-goods and callicoes.

XLII. **Stat.** 15 *Geo.* 2. *cap.* 31. *ſect.* 8. If any wrought ſilks, bengals and ſtuffs mixed with ſilk or herba, of the manufacture of *Perſia*, *China* or *Eaſt-India*, or any callicoes painted, dyed, printed or ſtained there, imported into this Kingdom, and ſecured in warehouſes as directed by 11 *Will.* 3. *cap.* 10. *ſect.* 2. Par. VIII. upon examination by the proper officers, appear to be ſtained with ſalt water, or damaged in the voyage, or unfit for foreign markets, unleſs cleaned and refreſhed, dyed, glazed or calendered, then upon bond being firſt given to his Majeſty, with two or more ſureties in the penalty of double the value of the goods, with condition that every part of the goods delivered out ſhall be returned into the ſame warehouſes within a time limited by the commiſſioners of the cuſtoms, it ſhall be lawful for the warehouſe-keeper, by leave of the ſaid commiſſioners, to ſuffer any of the ſaid goods to be taken out of the ſaid warehouſes, under the care and in the cuſtody of ſuch officers as the ſaid commiſſioners ſhall appoint, to be cleaned, dyed, preſſed, glazed, calendered or refreſhed, in order to make them the more merchantable; provided that the officer appointed to have the charge of the ſaid goods while they are out of the warehouſe be paid for his trouble by the perſon at whoſe requeſt the goods are delivered out; and any diſpute as to the allowance to be made ſuch officer ſhall be determined by the ſaid commiſſioners.

XLIII. *Sect.* 9. In all the accounts directed by 11 *Will.* 3. *cap.* 10. *ſect.* 6. to be kept, prepared and tranſmitted, an account ſhall be inſerted of all goods delivered out to be cleanſed, *&c.* in purſuance of this act, and returned again into ſuch warehouſes; mentioning the times when the ſame are ſo delivered out or brought back, together with an account how much remains in the cuſtody of the officer appointed to have the charge thereof.

XLIV. *Sect.* 10. And if the officer intruſted with the goods delivered out of any of the ſaid warehouſes ſhall not return all ſuch goods into the warehouſes, he ſhall not only forfeit the value of the goods ſo carried out, and be for ever diſabled from any public employment, but ſhall alſo forfeit 500 *l.* for every ſuch offence. And all penalties hereinbefore mentioned, ſhall be recovered and divided as is provided by 11 *Will.* 3. *cap.* 10.

See East-India company, Linen.

Inſurance.

XXX. **Stat.** 19 *Geo.* 2. *cap.* 37. *ſect.* 1. No aſſurance ſhall be made by any perſon or bodies corporate on any ſhip belonging to his Majeſty or any of his ſubjects, or on any goods on board any ſuch ſhip, intereſt or no intereſt, or without further proof of intereſt than the policy, or by way of gaming or wagering, or without benefit of ſalvage to the aſſurer; and every ſuch aſſurance ſhall be void.

XXXI. *Sect.* 2. Aſſurance on private ſhips of war fitted out by his Majeſty's ſubjects ſolely to cruize againſt his enemies, may be made by or for the owners, intereſt or no intereſt, free of average, and without benefit of ſalvage to the aſſurer.

XXXII. *Sect.* 3. Any merchandizes or effects from any ports in *Europe* or *America*, in the poſſeſſion of the crowns of *Spain* or *Portugal*, may be aſſured, in ſuch manner as if this act had not been made.

XXXIII. *Sect.* 4. It ſhall not be lawful to make re-aſſurance, unleſs the aſſurer be inſolvent, become a bankrupt, or die; in either of which caſes ſuch aſſurer, his executors, adminiſtrators or aſſigns, may make re-aſſurance, to the amount of the ſum before by him aſſured; provided it be expreſſed in the policy to be a re-aſſurance.

XXXIV. *Sect.* 5. All money to be lent on bottomry, or at reſpondentia, upon any ſhip belonging to any of his Majeſty's ſubjects bound to or from the *Eaſt-Indies*, ſhall be lent only on the ſhip, or on the effects on board ſuch ſhip, and ſhall be ſo expreſſed in the condition of the bond; and the benefit of ſalvage ſhall be allowed to the lender, his agents or aſſigns, who alone ſhall have a right to make aſſurance on the money ſo lent; and no borrower on bottomry, or at reſpondentia, ſhall recover more on any aſſurance than the value of his intereſt on the ſhip, or in the effects on board excluſive of the money ſo borrowed; and in caſe it appear that the value of his ſhare in the ſhip or effects doth not amount to the ſum he hath borrowed, he ſhall be reſponſible to the lender for ſo much thereof as he hath not laid out on the ſhip or merchandizes laden thereon, with intereſt for the ſame, together with the aſſurance and all other charges thereon, in the proportion the money not laid out bears to the whole money lent, notwithſtanding the ſhip and merchandizes be totally loſt.

XXXV. *Sect.* 6. In all actions brought by the aſſured upon any policy of aſſurance, the plaintiff or his agent ſhall, within 15 days after he is required ſo to do in writing by the defendant or his agent, declare in writing what ſum he hath aſſured in the whole, and what ſums he hath borrowed at reſpondentia or bottomry, for the voyage or any part of the voyage in queſtion.

XXXVI. *Sect.* 7. It ſhall be lawful for any perſon or body corporate ſued on any policy of aſſurance, to bring into court any ſum of money; and if any ſuch plaintiff refuſe to accept ſuch ſum with coſts to be taxed in diſcharge of ſuch action, and afterwards proceed to trial, and the jury aſſeſs not damages exceeding the ſum brought into court, ſuch plaintiff ſhall pay to ſuch defendant coſts to be taxed.

XXXVII, *Sect.* 8. This act ſhall not extend to perſons reſiding in any parts in *Europe* out of his Majeſty's dominions, for whoſe account any aſſurance is made before the 29th of *September* 1746; nor extend to perſons reſiding in *Turkey*, or in *Aſia*, *Africa* or *America*, for whoſe account any aſſurance is made before the 25th of *March* 1747.

Ireland.

LXXII. **Stat.** 12 *Geo.* 2. *cap.* 22. *ſect.* 3. Notwithſtanding 7 *Geo.* 1. *cap.* 21. *ſect.* 9. **India Goods** the commiſſioners of exciſe in *Ireland* or any three of them, or the ſub-commiſſioners or the major part of them in their reſpective limits, are authorized and required to hear and determine all offences againſt any act of parliament in force in *Ireland* for preventing the running into the ſaid kingdom any commodity of the product or manufacture of the *Eaſt Indies*, or other places beyond the *Cape of Good Hope*; and they ſhall proceed in a ſummary way, and give ſentence thereupon, and direct penalties and forfeitures to be levied in like manner as in caſes of exciſe in *Ireland*.

Iron.

VIII. **Stat.** 23 *Geo.* 2. *cap.* 29. *ſect.* 1. The duties now payable on pig iron made in and imported from his Majeſty's colonies in *America* into *Great Britain* ſhall be no longer paid; and no duty ſhall be payable upon bar iron made in and imported from the ſaid colonies into the port of *London*.

IX. *Sect.* 2. No ſuch bar iron ſo imported into the port of *London* ſhall be afterwards exported, or carried coaſtwiſe to be landed at any other place of *Great Britain*, except for the uſe of his Majeſty's dock-yards; upon pain, that all ſuch bar iron ſo exported or carried coaſtwiſe, and every ſhip on board which it ſhall be ſo exported or carried coaſtwiſe, ſhall be ſubject to ſuch forfeiture, as prohibited or uncuſtomed goods, or goods clandeſtinely exported or imported, or any ſhip on board which ſuch goods are exported or imported, are now liable by law; and alſo upon pain, that every perſon ſo exporting ſuch bar iron, or ſending the ſame coaſtwiſe; and the maſter and mariners of every ſhip on board which ſuch bar iron ſhall be ſo exported or carried coaſtwiſe, ſhall be ſubject to the like puniſhments as the maſter or mariners of

any

any ſhip laden with prohibited or uncuſtomed goods, or goods clandeſtinely exported or imported: and no officer of the cuſtoms ſhall grant any cocquet, warrant or certificate, for exporting or carrying coaſtwiſe, except for the uſe of his Majeſty's dock-yards, any ſuch bar iron ſo imported into the port of *London*; upon pain of forfeiting 200 *l.* to be recovered in any court of record at *Weſtminſter*, and to be applied, one moiety to the uſe of his Majeſty, and the other moiety to ſuch perſon as ſhall ſue for the ſame, and alſo of forfeiting his office, and being incapable of ſerving his Majeſty in any office of truſt or profit; and if any ſuch cocquet, warrant or certificate be granted, the ſame ſhall be void.

Qu. *If not repealed as to the carrying the iron coaſtwiſe by* 30 Geo. 2. cap. 16.

X. *Sect.* 5. Every perſon loading any pig or bar iron on board any veſſel in any of his Majeſty's colonies in *America* ſhall, before clearing out for any port of *Great Britain*, make oath before the governor or lieutenant-governor, collector and comptroller of the cuſtoms, and naval officer, or any two of them (which oath they are to adminiſter without fee) that the pig or bar iron ſo ſhipped, the true weight whereof ſhall in ſuch oath be expreſſed, was made at within the colony of in which oath alſo the name of the perſon to whom the ſaid iron is ſold or conſigned ſhall be expreſſed; and thereupon the ſaid governor, *&c.* or any two of them, ſhall deliver to ſuch perſon a certificate under their hands and ſeal of office, of ſuch oath having been made before them

XI. *Sect.* 6. No perſon importing any pig or bar iron into *Great Britain* from his Majeſty's colonies in *America*, ſhall import the ſame duty-free, unleſs ſuch pig or bar iron be ſtamped with ſome mark denoting the colony or place where the ſame was made, and unleſs ſuch perſon produce ſuch certificate to the chief officer of the cuſtoms at the port in *Great Britain* where the ſame is imported, and unleſs oath be made before the ſaid chief officer of the cuſtoms, by the maſter of the ſhip (which oath he is to adminiſter without fee) that the iron ſo imported is the ſame iron mentioned in the certificate.

XII. *Sect.* 7. All pig or bar iron imported into *Great Britain* not ſo ſtamped and certified ſhall be ſubject to the ſame duties to which it was liable before this act.

XIII. *Sect.* 8. If any governor, lieutenant-governor, collector or comptroller of the cuſtoms, naval officer or chief officer of the cuſtoms as aforeſaid, falſely make any ſuch certificate, he ſhall for every ſuch offence forfeit 200*l.* and alſo forfeit his office, and be incapable of ſerving his Majeſty in any office of truſt or profit; or if any trader or maſter of any ſhip falſely make any oath required by this act, every ſuch offender ſhall incur the puniſhment of wilful and corrupt perjury; and if any perſon knowingly counterfeit any ſuch ſtamp or certificate, or publiſh the ſame knowing it to be counterfeit, he ſhall incur the puniſhment of forgery.

XIV. *Sect.* 9. No mill or other engine for ſlitting or rolling of iron, or any plateing-forge to work with a tilt hammer, or any furnace for making ſteel, ſhall be erected, or after ſuch erection continued, in any of his Majeſty's colonies in *America*; and if any perſon erect, or after ſuch erection continue, in any of the ſaid colonies, any ſuch mill, engine, forge or furnace, every perſon ſo offending, ſhall for every ſuch mill, *&c.* forfeit 200*l.* of *Britiſh* money.

XV. *Sect.* 10. Every ſuch mill, engine, forge or furnace, ſo erected or continued contrary to this act, ſhall be deemed a common nuiſance; and every governor, lieutenant governor or commander in chief of any of his Majeſty's colonies in *America*, ſhall upon information upon the oath of two witneſſes cauſe every ſuch mill, *&c.* to be abated within 30 days next after ſuch information; and if any governor, *&c.* neglect ſo to do, within the time before limited, he ſhall for every ſuch offence forfeit 500*l.* of *Britiſh* money, and be diſabled to hold any office of truſt or profit under his Majeſty.

XVI. *Sect.* 11. The penalties by this act inflicted for falſely making any ſtamp or certificate, or for erecting or continuing any mill, *&c.* prohibited by this act, or for neglecting to abate the ſame, ſhall be recovered by action, *&c.* in any court of record at *Weſtminſter*, or in the court of exchequer in *Scotland*, or in any of the courts of record in his Majeſty's colonies in *America*, wherein the offender dwells at the time of the offence committed, or at the time when ſuch action, *&c.* is brought; and every ſuch action, *&c.* to be brought in *Great Britain* ſhall be laid either in the county

where

where the offence is committed, or where the offender dwells at the time when ſuch action, *&c.* is brought.

XVII. *Sect.* 12. All ſuch penalties ſhall be applied, one moiety to the uſe of his Majeſty, and the other moiety to ſuch perſon as ſhall ſue for the ſame.

XVIII. *Sect.* 13. All bar iron imported from any of his Majeſty's colonies in *America* into the port of *London* by virtue of this act ſhall be entered at the cuſtom-houſe in *London.*

XIX. *Sect.* 15. Every governor or lieutenant-governor, or commander in chief of any of his Majeſty's colonies in *America*, ſhall forthwith tranſmit to the commiſſioners for trade and plantations, a certificate under his hand and ſeal of office, containing a particular account of every mill or engine for ſlitting and rolling of iron, and every plateing-forge to work with a tilt hammer, and every furnace for making ſteel, at the commencement of this act erected in his colony; expreſſing alſo ſuch of them as are uſed, and the name of the proprietor, and the place where erected, and the number of engines, forges and furnaces in the colony; and if any governor, *&c.* neglect ſo to do within ſix months after the 24th of *June* 1750, he ſhall be ſubject to ſuch penalties as any governor, *&c.* of the ſaid colonies is liable to for any offence againſt this act, to be recovered in like manner.

XX. *Sect.* 16. If any action be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue; and if the plaintiff be nonſuited, or diſcontinue his action after the defendant ſhall have appeared; or if judgment be given againſt the plaintiff, the defendant ſhall recover treble coſts.

XXI. *Sect.* 17. This act ſhall be deemed a public act.

XXII. **Stat.** 30 *Geo.* 2. *cap.* 16. *ſect.* 1. The duties payable on bar iron made in and imported from his Majeſty's colonies in *America*, into any port of *Great Britain*, ſhall ceaſe; and the 23 *Geo.* 2. *cap.* 29. ſo far as relates to the importation of bar iron from *America* (except what is altered by this act) ſhall extend to all the ports in *Great Britain.*

23 Geo. 2. cap. 29. ſect. 3. *relating to certificates for duties paid on plantation-iron carried coaſtwiſe*, ſect. 4. *prohibiting the carrying it by land ten miles from* London, *and* ſect. 13 *and* 14. *requiring the bars to be ſtamped in* London *are repealed.*

Juries and jurors.

XCIX. **Stat.** 24 *Geo.* 2. *cap.* 18. *ſect.* 1. The party who ſhall by virtue of 3 *Geo.* 2. *cap.* 25. or 6 *Geo.* 2. *cap.* 37. apply for a ſpecial jury, ſhall not only pay the fees for ſtriking ſuch jury, but ſhall alſo pay all the expences occaſioned by the trial of the cauſe by ſuch ſpecial jury, and ſhall not have any other allowance for the ſame upon taxation of coſts, than ſuch party would be intitled unto in caſe the cauſe had been tried by a common jury; unleſs the judge before whom the cauſe is tried immediately after the trial certify in open court under his hand upon the back of the record, that the ſame was a cauſe proper to be tried by a ſpecial jury.

C. *Sect.* 2. No perſon who ſerves upon any jury appointed by authority of the ſaid acts, ſhall take for ſerving on ſuch jury more than the ſum which the judge who tries the iſſue thinks reaſonable, not exceeding 1 *l.* 1 *s.* except in cauſes wherein a view is directed.

CI. *Sect.* 4. To prevent delays where a peer is party by challenges to the array for want of a knight being returned on the panel, no challenge ſhall be taken to any panel of jurors, for want of a knight's being returned in ſuch panel, nor any array quaſhed by reaſon of any ſuch challenge.

CII. **Stat.** 29 *Geo.* 2. *cap.* 19. *ſect.* 1. Every perſon duly impanelled and ſummoned to ſerve upon any jury for the trial of any cauſe to be tried in any court of record within the city of *London*, or in any other city or town corporate, liberties or franchiſes within *England*, who ſhall not appear and ſerve on ſuch jury, after being called three times, and on proof on oath of the perſon ſo making default having been duly ſummoned, ſhall forfeit for every ſuch default, ſuch fine not exceeding 40 *s.* nor

leſs than 20*s.* as the judge of the reſpective court wherein ſuch default is made, ſhall impoſe unleſs ſome juſt cauſe for ſuch defaulter's abſence be made appear by oath or affidavit to the ſatisfaction of the judge.

CIII. *Sect.* 2. If any perſon on whom any fine is impoſed in purſuance of this act, refuſe to pay the ſame to the perſon authorized by the judge to receive the ſame, it ſhall be lawful for the judge who impoſed ſuch fine by warrant under his hand and ſeal, to cauſe ſuch fine to be levied by diſtreſs and ſale of the goods of the perſon on whom ſuch fine was impoſed, and the overplus, if any, after payment of ſuch fine and the charges of ſuch diſtreſs and ſale, ſhall be rendered to the perſon whoſe goods were ſo diſtrained and ſold.

CIV. *Sect.* 3. Every fine impoſed in purſuance of this act, ſhall be paid by the perſon who receives or levies the ſame, to the proper officer of the city or town corporate, liberty or franchiſe, in which the court was holden; to be applied to ſuch uſes, as iſſues ſet on jurors, or other fines ſet in courts within ſuch city, *&c.* are by charter, preſcription or uſage, applicable.

CV. *Sect.* 4. If any action be brought for any thing done in purſuance of this act, ſuch ſuit ſhall be brought within ſix calendar months next after the matter complained of is committed; and the defendant may plead the general iſſue; and if a verdict be found for the defendant, *&c.* the defendant ſhall recover double coſts.

Juſtices of aſſiſe.

XX. **Stat.** 21 *Geo.* 2. *cap.* 12. *ſect.* 1. All the commiſſions of aſſize and *Niſi prius*, and all general commiſſions of *oyer* and *terminer*, and all commiſſions of general gaol delivery, appointed to be held and executed for the county of *Buckingham* next after the term of *Holy Trinity*, ſhall be held and executed in each year in the town of *Buckingham*.

XXI. *Sect.* 2. Provided that if the ſaid town of *Buckingham* be unfit for holding the aſſizes by accident of fire, contagious diſtemper, or other unforeſeen exigency, to be made appear before the lord chancellor, it ſhall be lawful for the lord chancellor, with the advice of the juſtices of aſſize, during the continuance of ſuch exigencies, and at no other time, to appoint another convenient place within the ſaid county for holding the ſaid aſſizes.

Juſtices of both benches, &c.

VII. **Stat.** 32 *Geo.* 2. *cap.* 35. *ſect.* 18. There ſhall be paid every year out of the monies ariſing by the duties herein granted (*ſee* **Stamps**) the ſums following to the ſeveral judges after mentioned, as an addition to their ſalaries: *viz.* 500 *l.* to each of the puiſne judges in the court of King's bench; 500 *l.* to each of the judges in the court of common pleas at *Weſtminſter*; 1000 *l.* to the chief baron in the court of exchequer at *Weſtminſter*; and 500 *l.* to each of the other barons of the coif in the ſaid court of exchequer; 200 *l.* to the chief juſtice of *Cheſter*; 150 *l.* to the ſecond juſtice of *Cheſter*; and 150 *l.* to each of the juſtices of the great ſeſſions for each of the counties in *Wales*: which ſeveral ſums ſhall be charged upon the duties herein granted, and ſhall be paid thereout in every year at ſuch time and in ſuch manner as the ſalaries to the ſaid judges.

VIII. *Sect.* 19. If the ſaid duties prove deficient in any year, it ſhall be lawful for the treaſury out of any money then in the exchequer, ariſing by the ſaid duties, and not otherwiſe applied by parliament, to direct any ſum to be paid towards making good ſuch deficiency.

IX. *Sect.* 20. When any ſuch deficiency happens, the payments to the ſeveral judges ſhall be in proportion to the reſpective ſums before directed.

X. *Sect.* 21. All the ſurplus of the monies ariſing by the ſaid duties, ſhall be reſerved for the diſpoſition of parliament.

XI. **Stat.**

Juſtices of both benches, &c.

XI. **Stat.** 1 *Geo.* 3. *cap.* 23. *ſect.* 1. The commiſſions of judges for the time being ſhall continue during their good behaviour, notwithſtanding the demiſe of his Majeſty (whom God long preſerve) or of any of his heirs and ſucceſſors.

XII. *Sect.* 2. Provided that it may be lawful for his Majeſty, his heirs and ſucceſſors, to remove any judge upon the addreſs of both houſes of parliament.

XIII. *Sect.* 3. Such ſalaries as are ſettled upon judges for the time being, or any of them, by act of parliament, and alſo ſuch ſalaries as have been or ſhall be granted by his Majeſty to any judge, ſhall in all time coming be paid to every ſuch judge for the time being, ſo long as their patents or commiſſions continue.

XIV. *Sect.* 4. Such ſalaries of judges as are now or ſhall become payable out of the annual ſum granted for the ſupport of his Majeſty's houſhold, ſhall from time to time after the demiſe of his Majeſty or any of his heirs and ſucceſſors be charged upon, and paid out of ſuch of the revenues granted for the uſes of the civil government as ſhall be ſubſiſting after every ſuch demiſe reſpectively, until ſome other proviſion be made by parliament for the expences of the civil government; and from the making of ſuch proviſion, and during the continuance thereof, ſuch ſalaries ſhall be paid out of the monies applicable to ſuch uſes and expences.

Juſtices of gaol-delivery.

II. **Stat.** 12 *Geo.* 2. *cap.* 27. It ſhall be lawful for the chief juſtice and juſtices of either bench, and for the chief baron and other barons of the court of exchequer, and for any other perſon learned in the law, who ſhall be appointed juſtice of *oyer* and *terminer* or gaol-delivery, in any county in *England*, to exerciſe the office of juſtice of *oyer* and *terminer* or gaol-delivery in any ſuch county; notwithſtanding they, or any of them, have been born or do inhabit within ſuch county, and they ſhall not be liable for ſo doing to the penalty of 100 *l.* (inflicted by 33 *Hen* 8. *cap.* 24. Juſtices of aſſiſe) or to any other penalty.

Juſtices of peace.

XXXVI. **Stat.** 15 *Geo.* 2. *cap.* 24. Where any perſon liable to be committed to the houſe of correction, ſhall be apprehended within any liberty, city or town-corporate, whoſe inhabitants are contributory to the ſupport of the houſe of correction of the county, riding or diviſion in which ſuch liberty, *&c.* is ſituate; it ſhall be lawful for the juſtices of the peace of ſuch liberty, *&c.* to commit ſuch perſon to the houſe of correction of the county, *&c.* in which ſuch liberty, *&c.* is ſituate; which perſon ſo committed ſhall be dealt with and be ſubject to the ſame correction, as if committed by any juſtice of the peace of the ſame county, *&c.*

XXXVII. **Stat.** 16 *Geo.* 2. *cap.* 18. *ſect.* 1. It ſhall be lawful for every juſtice of the peace within his juriſdiction to execute every thing appertaining to his office, ſo far as the ſame relates to the laws concerning the poor, vagrants, highways, or parochial taxes or rates, notwithſtanding ſuch juſtice is rated to or chargeable with the taxes within ſuch pariſh or place affected by ſuch act of ſuch juſtice.

XXXVIII. *Sect.* 2. No act already done by any ſuch juſtice ſhall be void, becauſe the ſame hath been ſo done by any ſuch juſtice ſo rated or chargeable.

XXXIX. *Sect.* 3. This act ſhall not authorize any juſtice for any county or riding at large to act in the determination of any appeal to the quarter-ſeſſions for any ſuch county or riding, from any order or thing relating to the pariſh or place where ſuch juſtice is ſo charged.

XL. **Stat.** 18 *Geo.* 2. *cap.* 20. *ſect.* 1. No perſon ſhall be capable of being a juſtice of the peace, for any county, riding or diviſion in *England* or *Wales*, who ſhall not have either in law or equity to his own uſe, in poſſeſſion, a freehold, copyhold or cuſtomary eſtate, for life, or for ſome greater eſtate, or an eſtate for years determinable upon one

or

or more lives, or for a term originally created for 21 years or more, in lands, tenements or hereditaments lying in *England* or *Wales*, of the yearly value of 100 *l.* over and above what will ſatisfy all incumbrances, and over and above all rents and charges payable out of the ſame; or who ſhall not be ſeiſed of or intitled unto in law or equity, to his own uſe, the immediate reverſion or remainder in lands, *&c.* lying as aforeſaid, which are leaſed for one, two or three lives, or for years determinable upon one, two or three lives, upon reſerved rents, and which are of the yearly value of 300 *l.* and who ſhall not before he takes upon himſelf to act as a juſtice of peace, at ſome general or quarter ſeſſions for the county, *&c.* for which he intends to act, firſt take and ſubſcribe the oath following; *viz.*

I A. B. *do ſwear, That I truly and* bona fide *have ſuch an eſtate, in law or equity, to and for my own uſe and benefit, conſiſting of* (ſpecifying the nature of ſuch eſtate) *as doth qualify me to act as a juſtice of the peace for the county, riding, or diviſion, of according to the true intent and meaning of an act of parliament, made in the* 18th *year of the reign of his Majeſty King* George II. *intituled,* An act to amend and render more effectual an act paſſed in the fifth year of his preſent Majeſty's reign, *intituled,* An act for the further qualification of juſtices of the peace; *and that the ſame (except where it conſiſts of an office, benefice or eccleſiaſtical preferment, which it ſhall be ſufficient to aſcertain by their uſual names) is lying or being, or iſſuing out of lands, tenements or hereditaments, being within the pariſh, townſhip or precinct of* or *in the ſeveral pariſhes, townſhips or precincts of in the county of* or *in the ſeveral counties of*

Which oath ſo taken and ſubſcribed ſhall be kept by the clerk of the peace among the records of the ſeſſions.

XLI. *Sect.* 2. Every ſuch clerk of the peace ſhall, upon demand, deliver an atteſted copy of the ſaid oath, to any perſon paying for the ſame 2 *s.* which being proved to be a true copy of ſuch oath, ſhall be admitted to be given in evidence upon any iſſue in any action or information brought upon this act.

XLII. *Sect.* 3. Any perſon who ſhall act as a juſtice of the peace for any county, *&c.* in *England* or *Wales*, without having taken and ſubſcribed the ſaid oath, or without being qualified according to the meaning of this act, ſhall for every ſuch offence forfeit 100 *l.* one moiety to the uſe of the poor of the pariſh in which he uſually reſides, and the other moiety to the uſe of ſuch perſon who ſhall ſue for the ſame, to be recovered, with coſts, by action of debt, *&c.* in any court of record at *Weſtminſter*, in which no eſſoin, *&c.* ſhall be allowed; and in every ſuch action or information, the proof of his qualification ſhall lie on ſuch perſon againſt whom the ſame is brought.

XLIII. *Sect.* 4. If the defendant in any ſuch action or information intend to inſiſt upon any lands, *&c.* not contained in ſuch oath as his qualification to act as a juſtice of peace at the time of the ſuppoſed offence, he ſhall at or before the time of his pleading, deliver to the plaintiff or informer, or his attorney, a notice in writing ſpecifying ſuch lands, *&c.* (other than thoſe contained in the oath) and the pariſh or place, and the county wherein the ſame are (offices and benefices excepted, which it ſhall be ſufficient to aſcertain by their uſual names) and if the plaintiff or informer ſhall thereupon not proceed any further, he may with the leave of the court, diſcontinue ſuch action or information on payment of ſuch coſts as the court ſhall award.

XLIV. *Sect.* 5. Upon the trial of the iſſue in any action or information brought as aforeſaid, no lands, *&c.* not contained in ſuch oath and notice, or one of them, ſhall be allowed to be inſiſted upon by the defendant, as part of his qualification.

XLV. *Sect.* 6. Where the lands, *&c.* contained in the ſaid oath or notice, are together with other lands, *&c.* belonging to the perſon taking ſuch oath, or delivering ſuch notice, liable to any charges, rents or incumbrances, for the purpoſes of this act the lands, *&c.* contained in the ſaid oath or notice, ſhall be deemed chargeable, only ſo far as the other lands, *&c.* ſo jointly charged are not ſufficient to pay the ſame.

XLVI. *Sect.* 7. Where the qualification or any part thereof conſiſts of rent, it ſhall be ſufficient to ſpecify in ſuch oath or notice ſo much of the lands, *&c.* out of which ſuch rent is iſſuing, as ſhall be of ſufficient value to anſwer ſuch rent.

XLVII. *Sect.*

XLVII. *Sect.* 8. In caſe the plaintiff or informer, in ſuch action or information diſcontinue the ſame, otherwiſe than aforeſaid, or be nonſuit, *&c.* the perſon againſt whom ſuch action is brought ſhall recover treble coſts.

XLVIII. *Sect.* 9. Only one penalty of 100 *l.* ſhall be recovered from the ſame perſon by virtue of this act or of 5 *Geo.* 2. *cap.* 18. for the ſame or any other offence committed by the ſame perſon, before the bringing of the action or information upon which one penalty of 100 *l.* is recovered, and due notice given to the defendant of the commencement of ſuch action or information.

XLIX. *Sect.* 10. Where an action or information is brought, and due notice given thereof, no proceedings ſhall be had upon any ſubſequent action or information againſt the ſame perſon, for any offence committed before the time of giving ſuch notice; but the court where ſuch ſubſequent action or information is brought, may upon the defendant's motion ſtay proceedings therein, ſo as ſuch firſt action or information be proſecuted without fraud, and with effect. But no action or information not ſo proſecuted ſhall be deemed an action or information within this act.

L. *Sect.* 11. Every action, bill, plaint or information, given by this or the ſaid 5 *Geo.* 2. *cap.* 18. ſhall be commenced within ſix calendar months after the fact upon which the ſame is grounded has been committed.

LI. *Sect.* 12. This act ſhall not extend to any city or town being a county of itſelf, or to any other city, town, cinque-port, or liberty, having juſtices of the peace within their reſpective limits by charter, commiſſion or otherwiſe; but in every ſuch city, *&c.* ſuch perſons may be capable to be juſtices of the peace, and in ſuch manner only as they might have been if this act had never been made.

LII. *Sect.* 13. Nothing in this act, or in 5 *Geo.* 2. *cap.* 18. ſhall extend to any peer, or lord of parliament, or to the lords or others of his Majeſty's privy council, or to the juſtices of either bench, or to the barons of the exchequer, or to his Majeſty's attorney or ſolicitor general, or to the juſtices of great ſeſſions for the county palatine of *Cheſter*, and the ſeveral counties of the principality of *Wales*, within their reſpective juriſdictions, or to the eldeſt ſon or heir apparent of any peer or lord of parliament, or of any perſon qualified to ſerve as a knight of a ſhire by 9 *Ann. cap.* 5.

LIII. *Sect.* 14. Nothing in this act or in 5 *Geo.* 2. *cap.* 18. ſhall extend to incapacitate the officers of the board of green cloth from being juſtices of the peace within the verge of his Majeſty's palaces, or to incapacitate the commiſſioners and principal officers of the navy, or the two under ſecretaries in each of the offices of principal ſecretary of ſtate, or the ſecretary of *Chelſea College*, from being juſtices of the peace for ſuch counties or places where they uſually have been juſtices of the peace.

LIV. *Sect.* 15. This act ſhall not extend to any of the heads of colleges or halls in either of the two univerſities of *Oxford* and *Cambridge*, or to the vice chancellor of either of the ſaid univerſities, or to the mayor of the city of *Oxford*, or of the town of *Cambridge*.

LV. **Stat.** 24 *Geo.* 2. *cap.* 44. *ſect.* 1. No writ ſhall be ſued out againſt, nor any copy of any proceſs, at the ſuit of a ſubject, ſhall be ſerved on any juſtice of the peace, for any thing by him done in the execution of his office, until notice in writing of ſuch intended writ or proceſs be delivered to him, or left at the uſual place of his abode, by the attorney for the party who intends to ſue, at leaſt one calendar month before the ſuing out or ſerving the ſame; in which notice ſhall be clearly and explicitly contained the cauſe of action, on the back of which notice ſhall be indorſed the name of ſuch attorney, with the place of his abode, who ſhall be intitled to the fee of 20 *s.* for preparing and ſerving ſuch notice.

LVI. *Sect.* 2. It ſhall be lawful for ſuch juſtice of peace at any time within one calendar month after ſuch notice given to tender amends to the party complaining, or to his attorney; and in caſe the ſame is not accepted, to plead ſuch tender in bar to any action grounded on ſuch writ or proceſs, together with the plea of Not guilty, and any other plea, with leave of the court; and if upon iſſue joined the jury find the amends ſo tendered to have been ſufficient, they ſhall give a verdict for the defendant; and in ſuch caſe, or in caſe the plaintiff become nonſuit, or diſcontinue his action, or judgment be given for ſuch defendant upon demurrer, ſuch juſtice ſhall

be intitled to the like coſts as if he had pleaded the general iſſue only; and if the jury find that no amends were tendered, or that the ſame were not ſufficient, and alſo againſt the defendant on ſuch other plea, they ſhall give a verdict for the plaintiff, and ſuch damages as they think proper, which he ſhall recover, together with his coſts.

LVII. *Sect.* 3. No ſuch plaintiff ſhall recover any verdict againſt ſuch juſtice, where the action is grounded on any act of the defendant as juſtice of the peace, unleſs it is proved upon the trial that ſuch notice was given, but in default thereof ſuch juſtice ſhall recover a verdict and coſts.

LVIII. *Sect.* 4. In caſe ſuch juſtice neglect to tender any amends, or have tendered inſufficient amends, before the action brought, it ſhall be lawful for him, by leave of the court where ſuch action depends, at any time before iſſue joined, to pay into court ſuch ſum as he ſees fit; whereupon ſuch proceedings ſhall be had as in other actions where the defendant is allowed to pay money into court.

LIX. *Sect.* 5. No evidence ſhall be given by the plaintiff on the trial of any ſuch action, of any cauſe of action, except ſuch as is contained in the notice.

LX. *Sect.* 6. No action ſhall be brought againſt any conſtable, headborough, or other officer, or againſt any perſon acting by his order and in his aid, for any thing done in obedience to any warrant under the hand or ſeal of any juſtice of the peace, until demand hath been made or left at the uſual place of his abode, by the party intending to bring ſuch action, or by his attorney, in writing ſigned by the party demanding the ſame, of the peruſal and copy of ſuch warrant, and the ſame hath been refuſed or neglected for ſix days after ſuch demand; and in caſe after ſuch demand and compliance therewith, any action be brought againſt ſuch conſtable, *&c.* for any ſuch cauſe as aforeſaid, without making the juſtice who ſigned or ſealed the ſaid warrant defendant, on producing and proving ſuch warrant at the trial, the jury ſhall give their verdict for the defendant notwithſtanding any defect of juriſdiction in ſuch juſtice; and if ſuch action be brought jointly againſt ſuch juſtice, and ſuch conſtable, *&c.* then, on proof of ſuch warrant, the jury ſhall find for ſuch conſtable, *&c.* notwithſtanding ſuch defect of juriſdiction; and if the verdict be given againſt the juſtice the plaintiff ſhall recover his coſts againſt him, to be taxed in ſuch manner as to include ſuch coſts as ſuch plaintiff is liable to pay to ſuch defendant for whom ſuch verdict is found as aforeſaid.

LXI. *Sect.* 7. Where the plaintiff in any ſuch action againſt any juſtice of the peace ſhall obtain a verdict, in caſe the judge before whom the cauſe is tried, in open court certify on the back of the record, that the injury for which ſuch action was brought was wilfully and maliciouſly committed, the plaintiff ſhall be intitled to double coſts.

LXII. *Sect.* 8. No action ſhall be brought againſt any juſtice of the peace, for any thing done in the execution of his office, or againſt any conſtable, *&c.* acting as aforeſaid, unleſs commenced within ſix calendar months after the fact committed.

LXIII. Stat. 24 *Geo* 2. *cap.* 55. *ſect.* 1. In caſe any perſon, againſt whom a warrant is iſſued by any juſtice of the peace of any county or place within this kingdom, eſcape, go into, reſide or be in any other county or place, out of the juriſdiction of the juſtice granting ſuch warrant, it ſhall be lawful for any juſtice of the peace of the county, *&c.* where ſuch perſon eſcapes, and ſuch juſtice is hereby required, upon proof upon oath of the hand writing of the juſtice granting ſuch warrant, to indorſe his name on ſuch warrant, which ſhall be a ſufficient authority to the perſon bringing ſuch warrant, and to all other perſons to whom ſuch warrant was originally directed, to execute ſuch warrant in ſuch other county, *&c.* out of the juriſdiction of the juſtice granting ſuch warrant, and to apprehend and carry ſuch offender before the juſtice who indorſed ſuch warrant, or ſome other juſtice of ſuch other county, *&c.* where ſuch warrant was indorſed. In caſe the offence for which ſuch offender is ſo apprehended, in ſuch other county, *&c.* be bailable in law, and ſuch offender be ready to give bail for his appearance at the next aſſizes or general gaol delivery, or next general quarter ſeſſions of the peace for the county, *&c.* where the offence was committed, ſuch juſtice of ſuch other county, *&c.* before whom ſuch offender is brought, ſhall take bail of ſuch offender for his appearance at the next aſſizes, or general gaol delivery, or at the next general quarter ſeſſions of the peace for the county, *&c.* where ſuch offence was committed, as the juſtices of the peace of the

proper county, &c. might have done: and the juſtice ſo taking bail ſhall deliver the recognizance, together with the examination or confeſſion of ſuch offender and all proceedings relating thereto, to the conſtable or perſon ſo apprehending ſuch offender; who is to deliver over ſuch recognizance, &c. to the clerk of aſſizes, or clerk of the peace of the county, &c. where ſuch offender is required to appear by ſuch recognizance: and ſuch recognizance, &c. ſhall be of the ſame force as if the ſame had been entered into, before a juſtice of peace for the proper county, &c. where the offence was committed, and the ſame proceedings ſhall be had thereon: and in caſe ſuch conſtable or other perſon to whom ſuch recognizance, &c. is ſo delivered neglect to deliver over the ſame to the clerk of aſſiſes, or clerk of the peace of the county, &c. where ſuch offender is to appear, ſuch conſtable or other perſon ſhall forfeit 10 *l.* to be recovered by bill, &c. in any court at *Weſtminſter*, by any perſon who will ſue for the ſame; wherein no eſſoin, &c. ſhall be allowed. And in caſe the offence for which ſuch offender is apprehended in any other county, &c. be not bailable in law, or ſuch offender give not bail for his appearance at the next aſſiſes or general gaol-delivery, or next general quarter ſeſſions of the peace for the county, &c. where the offence was committed, to the ſatisfaction of the juſtice before whom ſuch offender is brought, in ſuch other county, &c. then the conſtable or perſon apprehending ſuch offender ſhall carry ſuch offender before a juſtice of peace of the proper county, &c. where ſuch offence was committed, there to be dealt with according to law.

LXIV. *Sect.* 2. No action of treſpaſs, falſe impriſonment, information or indictment, or other action ſhall be brought againſt the juſtice who indorſes ſuch warrant, by reaſon of his indorſing ſuch warrant.

LXV. *Sect.* 3. Provided that ſuch perſon be at liberty to bring his action againſt the juſtice who originally granted ſuch warrant, as he might have done in caſe this act had not been made.

LXVI. *Sect.* 4. The 11th ſection of 23 Geo. 2. cap. 26. *concerning perſons againſt whom a warrant has iſſued eſcaping into another county*, is repealed.

LXVII. **Stat.** 26 *Geo.* 2. *cap.* 14. *ſect.* 1. The juſtices of the peace throughout *England*, at their reſpective general quarter ſeſſions next after the 24th of *June* 1753. ſhall make a table of the fees to be taken by clerks to juſtices of the peace within the county, city or diviſion, for which ſuch general quarter ſeſſions are held; and ſuch reſpective tables of fees, being approved by the juſtices of peace at the next ſucceeding general quarter ſeſſions for ſuch county, &c. with ſuch alterations as ſuch juſtices ſo aſſembled think proper, ſhall be laid before the judges at the next aſſiſes, or at the great ſeſſions for the principality of *Wales*, and counties palatine of *Cheſter*, *Lancaſter* and *Durham*, for the reſpective county, &c. and the ſaid judges are to confirm ſuch reſpective tables of fees, as ſettled by the ſaid juſtices, or with ſuch alteration as to ſuch judges appear reaſonable: and it ſhall be lawful for the ſaid juſtices of peace in their reſpective quarter-ſeſſions, from time to time, to make any other table of fees to be taken inſtead of the fees contained in the table confirmed by the judges of aſſiſe; and after the ſame are approved by the juſtices of the peace at the next ſucceeding general quarter ſeſſions, to lay ſuch new table of fees before the judges at the next aſſiſes, or at the great ſeſſions for the principality of *Wales* and counties palatine of *Cheſter*, *Lancaſter* and *Durham*, who are to ratify the ſame, if they think fit; but no table of fees to be made by the ſaid reſpective juſtices of peace, ſhall be of any validity until the ſame be confirmed by the ſaid judges.

LXVIII. *Sect.* 2. If at any time after three calendar months from the time that ſuch table of fees is made and ratified, any clerk to any juſtice of peace, or any perſon acting as ſuch under pretence of any thing done by ſuch juſtice in the execution of his office, or done by ſuch clerk, demand or receive any other or greater fee than are aſcertained and confirmed as aforeſaid, ſuch perſon ſhall for every ſuch offence forfeit 20 *l.* to any perſon who ſhall ſue for the ſame by action of debt, &c. in any court of record at *Weſtminſter*, wherein no eſſoin, &c. ſhall be allowed.

LXIX. *Sect.* 3. All the tables of fees made and confirmed as aforeſaid, ſhall be depoſited with the clerk of the peace for the reſpective county, city or other diviſion; and each of the ſaid clerks of the peace ſhall cauſe copies of the ſaid tables to be kept, conſtantly in a conſpicuous part of the room where the general or quarter ſeſſions are held;

held; uuder pain of forfeiting 10 *l.* for each offence, to be recovered by action of debt, *&c.* in any court of record at *Weſtminſter*, wherein no eſſoin, *&c.* ſhall be allowed.

LXX. *Sect.* 4. All ſuits brought by virtue of this act, ſhall be brought before the end of three months after the offence committed.

LXXI. **Stat.** 26 *Geo.* 2. *cap.* 27. No act, order, adjudication, warrant, indenture of apprenticeſhip, or other inſtrument, made or to be made by two or more juſtices of peace, which doth not expreſs that one or more of the juſtices are of the *quorum*, ſhall be ſet aſide for that defect only.

LXXII. **Stat.** 27 *Geo.* 2. *cap.* 16. *ſect.* 4. The table of fees to be taken by the clerks to juſtices of peace for *Middleſex*, which ſhall be ſettled by the juſtices for the ſaid county at their general or quarter ſeſſions, ſhall be laid before the lord chief juſtices of the King's bench, the lord chief juſtice of the common pleas, and the lord chief baron of the exchequer, or any two of them, who are to confirm ſuch table of fees as ſettled, or with ſuch alterations as to them or any two of them appear reaſonable; and the juſtices of peace for the ſaid county are to make a table of ſuch fees at their next general or quarter ſeſſions, after the 24th of *June* 1754. and to approve or alter the ſame at the next ſucceeding general or quarter ſeſſions, and from time to time to make and approve any other table of ſuch fees.

LXXIII. **Stat.** 27 *Geo.* 2. *cap.* 20. *ſect.* 1. In all caſes where any juſtice of peace, is or ſhall be impowered by any act of parliament, to iſſue a warrant of diſtreſs for the levying of any penalty or ſum of money directed to be paid by ſuch act, it ſhall be lawful for the juſtice granting ſuch warrant, therein to order the goods diſtrained to be ſold within a certain time limited in ſuch warrant, ſo as ſuch time be not leſs than four days nor more than eight days; unleſs the penalty or ſum for which ſuch diſtreſs is made, with the charges of taking and keeping ſuch diſtreſs, be ſooner paid.

LXXIV. *Sect.* 2. The officer making ſuch diſtreſs ſhall deduct the charges of taking, keeping and ſelling ſuch diſtreſs, out of the money ariſing by ſuch ſale; and the overplus (if any) after ſuch charges and the ſaid penalty or ſum ſatisfied, ſhall be returned on demand to the owner of the goods diſtrained; and the officer executing ſuch warrant if required ſhall ſhew the ſame to the perſon whoſe goods are diſtrained, and ſhall ſuffer a copy thereof to be taken.

LXXV. *Sect.* 3. Nothing herein contained ſhall extend to alter or repeal any of the proviſions relating to diſtreſſes to be made for the payment of tithes and church rates by quakers, contained in 7 & 8 *Will.* 3. *cap.* 34. or in 1 *Geo.* 1. *cap.* 6. **Nonconformiſts.**

LXXVI. **Stat.** 1 *Geo.* 3. *cap.* 13. *ſect.* 1. All perſons who were juſtices of peace at the demiſe of King *George* the ſecond, or who ſhall be juſtices of peace at the demiſe of his preſent Majeſty or any of his ſucceſſors, and ſhall afterwards be appointed juſtices of peace by any commiſſion granted by his Majeſty or his ſucceſſors, and who ſhall take the oaths of office of a juſtice of peace before the clerk of the peace of the reſpective county, *&c.* for which ſuch juſtice ſhall act, or the deputy of ſuch clerk of the peace, and who ſhall have taken and ſubſcribed at ſome general ſeſſion of the peace the oath required by 18 *Geo.* 2. *cap.* 20. may act as a juſtice for ſuch county, *&c.* without being obliged to take and ſubſcribe again the ſaid oath, without incurring any penalty.

LXXVII. *Sect.* 2. After the paſſing this act no perſon who hath taken or ſhall take the oaths uſually taken by a juſtice of peace under a *dedimus poteſtatem* iſſued from the clerk of the crown, ſhall be obliged to ſue out any other *dedimus poteſtatem* from the ſaid clerk of the crown to authorize any perſon to adminiſter again to any ſuch juſtice, on any new commiſſion of the peace being iſſued under the great ſeal of *Great Britain*, the oaths uſually annexed to ſuch *dedimus* and taken by a juſtice of peace; but the clerk of the peace or his deputy of every county, *&c.* in *England* and *Wales*, for which any ſuch juſtice hath acted and qualified, or hereafter before the iſſuing any ſuch new commiſſion ſhall act and qualify himſelf, ſhall on every ſuch new commiſſion of the peace being iſſued, prepare a parchment roll, with the oaths annexed to, and uſually taken under the *dedimus poteſtatem* by juſtices of the peace, ingroſſed on ſuch roll;

roll; and ſhall adminiſter without fee, the oaths in ſuch roll ſpecified to every ſuch juſtice within the reſpective counties, &c. for which he ſhall act, who ſhall deſire to take ſuch oaths; and every ſuch juſtice after the taking the oaths ſhall ſubſcribe his name on the ſaid parchment roll; and the ſaid roll ſhall be kept by the reſpective clerks of the peace amongſt the records of the ſeſſions.

King, Queen and royal family.

LXXIII. **Stat.** 12 *Geo.* 2. *cap.* 15. *ſect.* 1. It ſhall be lawful for the King's Majeſty by any letters patent or indenture under the great ſeal, to grant unto his royal highneſs *William* duke of *Cumberland* and the heirs of his body, one annuity of 15,000 *l.* which ſhall commence from the day of the demiſe of his Majeſty, and be paid at the four uſual feaſts, with ſuch powers for his royal highneſs and the heirs male of his body, to make proviſion out of the ſaid annuity by way of jointure on any wife or wives he or they ſhall marry, and for younger ſons, and for daughters, as his Majeſty ſhall by his ſaid letters patent or indentures appoint.

LXXIV. *Sect.* 2. It ſhall be lawful for the King's Majeſty, by letters patent or indenture under the great ſeal, to grant unto their royal highneſſes the princeſs *Amalie*, the princeſs *Caroline*, the princeſs *Mary*, and the princeſs *Loviſa*, and the ſurvivor of them, or to ſuch other perſon as his Majeſty thinks fit, and his heirs, during the lives of their ſaid royal highneſſes and the life of the ſurvivor of them, in truſt for their ſaid royal highneſſes and the ſurvivor of them, ſubject to ſuch contingencies and determination as are herein after mentioned, one other annuity of 24,000 *l.* which ſhall commence from the day of the demiſe of his Majeſty, and be paid at the four uſual feaſts. And the ſaid annuity of 15,000 *l.* ſhall be charged upon the revenues of the poſt-office; the weekly ſum of 700 *l.* mentioned in the 9 *Ann. cap.* 10. and any other monies by that act appointed to be reſerved for the uſe of the public, always excepted. And the ſaid annuity of 24,000 *l.* ſhall be charged upon the hereditary duties of exciſe granted by 12 *Car.* 2. *cap.* 24. or any other act relating thereto.

LXXV. *Sect.* 3. Nothing in this act or in ſuch letters patent or indentures ſhall obſtruct the payments of the weekly ſum of 3700 *l.* or the yearly ſum of 15,759 *l.* 19 *s.* 4 *d.* by former acts charged upon the ſaid duties of exciſe.

LXXVI. *Sect.* 4. If the ſaid revenue of the poſt-office, at the end of any quarter, be inſufficient to anſwer the quarterly payment of the ſaid annuity of 15,000 *l.* and all arrears then due, the comptroller of the ſaid office ſhall without fee, make and deliver to his royal highneſs or his order, a certificate of the ſum wanting; and the commiſſioners of the treaſury ſhall cauſe every ſuch deficiency to be ſatisfied out of any overplus monies of the duties of exciſe, or out of other monies ariſing by any hereditary branches of revenue appointed for the uſes of the civil government. And if the ſaid duties of exciſe, at the end of any quarter of a year, be inſufficient to anſwer the quarterly payment of the ſaid annuity of 24,000 *l.* or any arrears then due, the comptroller of the exciſe ſhall without fee, make and deliver to the princeſſes, or any perſon authorized by them reſpectively, a certificate of the ſum wanting; and the commiſſioners of the treaſury ſhall cauſe every ſuch deficiency to be ſatisfied out of any overplus-monies of the poſt-office revenues, or out of ſome other monies ariſing by ſuch hereditary branches of the revenue appointed for the uſes of the civil government.

LXXVII. *Sect.* 5. The ſaid annuities of 15,000 *l.* and 24,000 *l.* ſhall be paid by the hands of the commiſſioners, farmers, treaſurers or receivers of the ſaid revenues, without charges; and the acquittance of his royal highneſs and the heirs of his body, and of the princeſſes or the ſurvivor of them, or of any perſon authorized by them reſpectively, ſhall be a ſufficient diſcharge. And the ſaid annuities ſhall be free from taxes. And if the officers of the receipt of his Majeſty's exchequer, or the ſaid commiſſioners, &c. neglect to pay the ſaid reſpective annuities, his royal highneſs and the heirs of his body, and the ſaid princeſſes or the ſurvivor of them, or their truſtees reſpectively, may ſue ſuch officers, commiſſioners, &c. for the money then due upon the ſaid reſpective annuities in the hands of ſuch officers, commiſſioners, &c. when demand is made of payment.

LXXVIII. *Sect.* 6. All the powers and clauſes to be contained in his Majeſty's letters patent or indentures for the better payment of the ſaid annuities ſhall be good in law; ſaving to all perſons, other than the King's Majeſty, all right, *&c.*

LXXIX. *Sect.* 7. The ſaid annuity of 15,000*l.* ſhall not be aliened or incumbered by his royal highneſs or by any of the heirs of his body, for any greater eſtate or time than during the natural life of the perſon ſo aliening or incumbring the ſame, or ſo as to prevent the ſame from deſcending to the heirs in tail; other than in purſuance of ſuch power for making jointures and for the benefit of younger ſons and of daughters of his royal highneſs the duke, or of any of the heirs of his body, as ſhall be given by ſuch letters patent or indentures as aforeſaid.

LXXX. *Sect.* 8. Upon the death of any of their royal highneſſes the princeſſes, or upon the marriage of any one of them, and the payment of a portion on ſuch marriage not leſs than 40,000*l.* the right of ſuch princeſs ſo dying or married to the ſaid annuity of 24,000*l.* or any part thereof ſhall ceaſe; and the ſaid whole annuity ſhall remain to the three other princeſſes; and upon the death or marriage of any other of the ſaid princeſſes, and the payment of a portion not leſs than 40,000*l.* on ſuch marriage, the right of ſuch other princeſs to the ſaid annuity ſhall ceaſe; and two third parts of the ſaid annuity amounting to 16,000*l.* *per annum*, and no more, ſhall accrue to the other two princeſſes; and upon the death or marriage of either of the ſaid two laſt mentioned princeſſes, and payment of a portion not leſs than 40,000*l.* on ſuch marriage, the right of ſuch princeſs to the ſaid annuity of 16,000*l.* ſhall ceaſe, and the other of the ſaid princeſſes then living ſhall be intitled to 12,000*l.* *per annum*, and no more, to ceaſe on her death or marriage, and the payment of a portion not leſs than 40,000*l.* on ſuch marriage.

LXXXI. **Stat.** 13 *Geo.* 2. *cap.* 13. Whereas his Majeſty hath received propoſals for a marriage between his daughter the princeſs *Mary*, and prince *Frederick* of *Heſſe*, be it enacted, That out of the ſupplies granted to his Majeſty for the ſervice of the year 1740, there ſhall be paid 40,000*l.* as a marriage portion to her highneſs the ſaid princeſs *Mary*: And the commiſſioners of the treaſury are hereby authorized to iſſue the ſaid ſum at ſuch times and in ſuch manner as his Majeſty by warrant under his ſign manual ſhall direct.

LXXXII. **Stat.** 15 *Geo.* 2. *cap.* 19. *ſect.* 21. His royal highneſs the prince of *Wales* [*Frederick*] or his royal highneſs the duke of *Cumberland*, or their royal highneſſes the princeſs royal, the princeſs *Amalie*, the princeſs *Carolina*, and the princeſs *Louiſa*, ſhall not be charged with any fees or taxes for any annuities granted by his Majeſty to any of them.

LXXXIII. **Stat.** 19 *Geo.* 2. *cap.* 29. *ſect.* 1. His royal highneſs *William* duke of *Cumberland* and the heirs male of his body ſhall receive at the exchequer, one annuity of 25,000*l.* out of the aggregate fund, (after reſerving ſufficient to pay all ſums directed by former acts to be paid out of the ſame, but with preference to all payments which may hereafter be charged upon the ſaid aggregate fund) which annuity ſhall commence from *Lady-day* 1746. and be paid quarterly at the four uſual feaſts.

LXXXIV. *Sect.* 2. The commiſſioners of the treaſury ſhall by warrant direct the auditor of the receipt of the exchequer to make forth and paſs debentures for paying the ſaid annuity of 25,000*l.* as the ſame becomes due, without any fees for paying the ſame; which warrant and debentures ſhall be a ſufficient authority to the officers of the receipt of the exchequer for the payment of the ſaid annuity.

LXXXV. *Sect.* 3. After the ſigning of ſuch warrant the ſame ſhall be good in law, and not be determinable by the demiſe of his Majeſty, or of any of his heirs or ſucceſſors, or by the death or removal of any of the commiſſioners of the treaſury.

LXXXVI. *Sect.* 4. The commiſſioners of the treaſury, chancellor, and under treaſurer, chamberlains, and barons of the exchequer, and all other officers of the court of exchequer, and of the receipt thereof, ſhall do without fee, all things herein before directed or neceſſary to render this act effectual.

LXXXVII. *Sect.* 5. The receipts of the duke of *Cumberland* and the heirs male of his body, and of ſuch other perſon as ſhall be authorized to receive the ſaid annuity, ſhall be a ſufficient diſcharge for the payment thereof. And the ſaid annuity ſhall

be free from all taxes. And in caſe any of the officers of the receipt of the exchequer neglect to pay the ſaid annuity or any part thereof, or to do any act neceſſary to enable his royal highneſs and the heirs males of his body to receive the ſame, then his royal highneſs and the heirs males of his body, and ſuch other perſon as ſhall be intitled to receive the ſaid annuity may ſue ſuch officers, their executors and adminiſtrators, by bill, *&c.* and recover judgments, and ſue out executions againſt ſuch officers, their heirs, *&c.* for the money then due upon the ſaid annuity in the hands of the officer of the receipt of the exchequer at the time when demands have been made, or for the neglect to do any act neceſſary to enable his royal highneſs and the heirs males of his body to receive the ſame.

LXXXVIII. *Sect.* 6. The ſaid annuity ſhall be veſted in his royal highneſs and the heirs males of his body; and ſhall not be aliened or incumbered by his royal highneſs or by any of the heirs males of his body for any longer time than during the natural life of the perſon ſo aliening or incumbering the ſame.

LXXXIX. *Sect.* 7. If at any time hereafter by the redemption of any of the duties or revenues compoſing the ſaid aggregate fund, there be not ſufficient monies ariſing thereby to pay the ſaid annuity to his royal highneſs and the heirs males of his body; then the two thirds ſubſidy, and the duties, and increaſed duties upon coffee, cocoa nuts, chocolate, cocoa paſte, tea, nutmegs, cinnamon, cloves, mace, and pictures; and the duties upon muſlins, and the further duties upon all white callicoes, porcellan called *China* ware, and drugs; which are part of the ſaid aggregate fund and are intended to be continued, ſhall be continued, and be ſubject to pay all the payments after ſuch redemption growing due for the ſaid annuity; and the ſaid ſubſidies and duties, or ſo much as is ſufficient to pay the ſaid annuity ſhall be appropriated thereunto, during the continuance of the ſame annuity to his royal highneſs and the heirs males of his body.

XC. **Stat.** 24 *Geo.* 2. *cap.* 24. *ſect.* 1. Whenſoever and as often as the imperial crown of this realm ſhall deſcend to his royal highneſs *George William Frederick* prince of *Wales*, the eldeſt ſon of his royal highneſs *Frederick* late prince of *Wales*, or to any other of the children of his ſaid late royal highneſs, being under the age of 18 years, her royal highneſs *Auguſta* princeſs dowager of *Wales*, ſhall be guardian, and have the care of the perſon of the ſaid *George* prince of *Wales*, or ſuch other ſucceſſor, until their reſpective ages of 18 years; and ſhall during ſuch minorities have power in the name of ſuch ſucceſſor, and under the title of *regent of the kingdom*, to exerciſe according to the laws thereof, the regal power and government of this realm and all the dominions belonging to the crown of *Great Britain*, but in ſuch manner, and ſubject to ſuch regulations, as are herein after mentioned.

XCI. *Sect.* 2. All acts of regal power, prerogative or adminiſtration of government, done by ſuch King or Queen under the age of 18 years, during the regency of her ſaid royal highneſs, otherwiſe than by her ſaid royal highneſs, according to the directions of this act, ſhall be void.

XCII. *Sect.* 3. To aſſiſt her ſaid royal highneſs in the adminiſtration of the government, there ſhall be a council of regency, conſiſting of the perſons and officers following; *viz.* his royal highneſs *William* duke of *Cumberland*, the archbiſhop of *Canterbury* for the time being, the lord chancellor, the lord treaſurer, the lord preſident of the council, the lord privy ſeal, the lord high admiral, the principal ſecretaries of ſtate, and the lord chief juſtice of the king's bench; and ſuch and ſo many other perſons, natural-born ſubjects, not exceeding four, as his preſent Majeſty [*George* II.] ſhall, by three inſtruments under his ſign manual, revocable at his pleaſure, nominate; which three inſtruments being ſealed up under three ſeveral covers, with any ſeal his Majeſty thinks fit, ſhall be each ſealed alſo with the ſeals of her ſaid royal highneſs, the archbiſhop of *Canterbury*, and the lord chancellor; and one of the ſaid inſtruments ſhall be depoſited in the hands of her ſaid royal highneſs, another in the hands of the archbiſhop of *Canterbury*, and one other in the hands of the lord chancellor; and if his Majeſty be willing to revoke or alter his nomination, and by three writings under his hand and ſeal require the ſaid inſtruments to be delivered up, then the perſons with whom the ſaid inſtruments be depoſited, their executors and adminiſtrators, and every other perſon in whoſe cuſtody any of the ſaid inſtruments happen to be, ſhall deliver up the ſame; and in caſe the archbiſhop of *Canterbury*, or

the

the lord chancellor die or be removed from their ſaid offices, before the re-delivery of ſuch inſtruments, the perſon ſo removed, and the executors and adminiſtrators of the perſons ſo dying, and every perſon in whoſe cuſtody ſuch inſtrument happens to be, ſhall deliver the ſame to the ſucceſſor of the perſon ſo dying or being removed; and after the demiſe of his Majeſty, in caſe of ſuch minority, the ſaid three perſons, their executors or adminiſtrators, and all other perſons in whoſe cuſtody the ſaid inſtruments then be, ſhall immediately bring the ſame before the privy council; which ſhall be forthwith on ſuch demiſe aſſembled; and ſuch inſtruments ſhall be there opened and read, and preſently afterwards inrolled in *Chancery*.

XCIII. *Sect.* 4. If any of the ſaid perſons with whom the ſaid inſtruments be ſo depoſited, or any of their executors or adminiſtrators, or any other perſon having the cuſtody thereof, open any of the ſaid inſtruments in the life of his preſent Majeſty, without his order, or wilfully neglect to deliver the ſame to the privy council, he ſhall incur the penalties of *Premunire* inflicted by 16 *R.* 2. *cap.* 5.

XCIV. *Sect.* 5. If all the ſaid three inſtruments be not produced before the privy council as aforeſaid, any one of them ſo produced ſhall be effectual to give ſuch authority as aforeſaid to the perſons therein named, not exceeding four; and in caſe his Majeſty be not pleaſed to name any ſuch additional counſellors, then the duke of *Cumberland*, the archbiſhop of *Canterbury*, and the ſaid officers for the time being, ſhall be ſolely the council of regency.

XCV. *Sect.* 6. If at the time of his Majeſty's demiſe, or at any time during the regency of her ſaid royal highneſs, there be no lord high treaſurer of *Great Britain*, and the office of treaſurer of the exchequer be in commiſſion, or if there be then no lord high admiral, and the office of lord high admiral be then in commiſſion, the firſt commiſſioner named in ſuch reſpective commiſſions ſhall be of the ſaid council of regency.

XCVI. *Sect.* 7. The ſaid council of regency ſhall meet and ſit as her ſaid royal highneſs ſhall direct, and any five of the ſaid council, but not any leſs number, aſſembled ſhall act as ſuch council of regency, and acts done by a major part of the council ſo aſſembled ſhall be deemed acts of the council of regency, (excepting where it is otherwiſe provided by this act) and his royal highneſs *William* duke of *Cumberland* ſhall be chief or head of the ſaid council.

XCVII. *Sect.* 8. The princeſs dowager of *Wales*, before ſhe enter upon her ſaid office of regent, or within one calendar month after, ſhall take the following oath of office, *viz.*

I Auguſta *princeſs dowager of* Wales, *do ſolemnly promiſe and ſwear, That I will truly and faithfully execute the office of regent of the kingdom of* Great Britain, *according to an act of parliament made in the* 24th *year of the reign of his Majeſty King* George II. *intituled,* An act to provide for the adminiſtration of the government, in caſe the crown ſhall deſcend to any of the children of his late royal highneſs *Frederick* prince of *Wales*, being under the age of 18 years, and for the care and guardianſhip of their perſons; *and that I will adminiſter the government of this realm, and of all the dominions thereunto belonging, according to the laws, cuſtoms and ſtatutes thereof; and will in all things, to the utmoſt of my power and ability, conſult and maintain the ſafety, honour and dignity of his or her (as the caſe requires) Majeſty, and the welfare of his or her (as the caſe requires) people.*

So help me God.

XCVIII. *Sect.* 9. And each of the members of the council of regency, and their ſucceſſors, ſhall before they enter upon their reſpective offices as members of the ſaid council take the following oath of office, *viz.*

I A. B. *do ſolemnly promiſe and ſwear, That I will truly and faithfully ſerve his or her (as the caſe requires) Majeſty, in the office of one of the council of regency, eſtabliſhed by an act of parliament made in the* 24th *year of the reign of his Majeſty King* George II. *intituled,* An act to provide for the adminiſtration of the government, in caſe the crown ſhould deſcend to any of the children of his late royal highneſs *Frederick* prince of *Wales*, being under the age of 18 years, and for the care and guardianſhip of their perſons; *and that I will duly and faithfully execute the ſaid office, according to the true intent and meaning of the ſaid act; and that in all matters and things which*

ſhall

ſhall be moved, debated, and conſidered in the council of regency, I will truly and faithfully declare my mind and opinion, according to my heart and conſcience, and the beſt of my judgment, and will ſupport, maintain, and defend the perſon, honour, crown, and dignity of his or her (as the caſe requires) *Majeſty, to the utmoſt of my power.*

So help me God.

Each of which oaths ſhall be taken before the privy council and entered in the council books.

XCIX. *Sect.* 10. Her ſaid Royal Highneſs, and every perſon of the council of regency, ſhall be deemed perſons having offices of truſt within *England*, and take and ſubſcribe ſuch oaths, make and ſubſcribe ſuch declaration, and do all ſuch acts as are required by law to qualify perſons to hold offices of truſt, under ſuch penalties and diſabilities as by law are required.

C. *Sect.* 11. Provided that her Royal Highneſs may take and ſubſcribe the ſaid oaths and declaration before the privy council, and the certificate of her having received the ſacrament in any of the royal chapels ſigned by the perſon adminiſtering the ſame, ſhall be regiſtered in the privy council, and her ſo taking the oaths, *&c.* ſhall be as effectual as if the ſame had been taken, *&c.* in the manner required for the qualification of perſons in offices of truſt.

CI. *Sect.* 12. Whenſoever his preſent Majeſty [*George* II.] ſhall demiſe, leaving ſuch ſucceſſor as aforeſaid under the age of 18 years, the privy council ſhall aſſemble and cauſe ſuch ſucceſſor intitled to the crown by 12 *Will.* 3. *cap.* 2. to be proclaimed in the uſual manner; and every member of the privy council wilfully neglecting to cauſe ſuch proclamations to be made, ſhall be guilty of high treaſon.

CII. *Sect.* 13. In the creation of all peerages of *Great Britain* or *Ireland*, in the pardoning of high treaſon, and in the gift of all archbiſhopricks and biſhopricks in *England* or *Ireland*, the offices of lord chancellor, of lord treaſurer, or commiſſioners of the treaſury, lord preſident of the council, lord privy ſeal, lord high admiral, or commiſſioners of the admiralty, the principal ſecretaries of ſtate, maſter of the rolls in *Great Britain* and *Ireland*, and of all the judges of the courts of King's bench and Common pleas, and barons of the Exchequer in *England* and *Ireland*; and of the judges of the court of Seſſion, court of Juſticiary, and barons of the court of Exchequer in *Scotland*, and in the giving inſtructions and authorities for the making any treaties with any foreign powers; the conſent of the council of regency, or the major part of five of them aſſembled, ſhall be neceſſary.

CIII. *Sect.* 14. It ſhall not be lawful for her royal highneſs to make war or peace, ratify any treaty with any foreign power, or to prorogue adjourn or diſſolve any parliament, without the conſent of the major part of the whole council of regency then in *Great Britain*, if there be an unequal number, and if the number be equal without the conſent of one half part; and her royal highneſs, either with or without the conſent of the council of regency, ſhall not give the royal aſſent to any bill in parliament, for repealing, changing or in any reſpect varying from the order of ſucceſſion to the crown of this realm, as eſtabliſhed by the 12 *Will.* 3. *cap.* 2. or to any act for repealing or altering the 13 *Car.* 2. *cap.* 4. *(the act of uniformity)* or one act of 5 *Ann.* made in *Scotland for ſecuring the proteſtant religion and preſbyterian church government.*

CIV. *Sect.* 15. The archbiſhop of *Canterbury*, or any other perſon appointed to be of the council of regency, by reaſon of his office, ſhall continue no longer of the council than he ſhall continue in ſuch office, and his ſucceſſor ſhall become one of the ſaid council; and the lord chancellor, the lord treaſurer or firſt commiſſioner of the treaſury, the lord preſident of the council, the lord privy ſeal, the lord high admiral or firſt commiſſioner of the admiralty, and the principal ſecretaries of ſtate, ſo appointed to be of the council of regency, ſhall continue in their reſpective offices, after ſuch deſcent of the crown to any of the children of the ſaid late prince of *Wales*, during the regency of her royal highneſs, as well after as before the expiration of ſix months from the time of ſuch deſcent, unleſs removed by her royal highneſs, with the conſent of a major part of the whole council of regency then in *Great Britain*, or if their number be equal of one half, or upon the addreſs of both houſes of par-

liament, in which latter caſe her royal highneſs alone may remove any of the ſaid officers.

CV. *Sect.* 16. The archbiſhop of *Canterbury* and the lord chief juſtice of the King's bench, notwithſtanding their remaining in ſuch office reſpectively, may be removed from being of the council of regency by her royal highneſs, with the conſent of a major part of the council of regency then in *Great Britain*, or if their number be equal of one half, or upon the addreſs of both houſes of parliament; and any other member of the ſaid council not ſo appointed by reaſon of their offices, may be removed by her royal highneſs with the like conſent, or upon the addreſs of both houſes of parliament; and within two calendar months after ſuch deſcent of the crown, in caſe any vacancy of any of the ſaid offices then be, and within two calendar months after every vacancy happening by means of ſuch removal, or by the death or reſignation of any member of the ſaid council of regency, her royal highneſs ſhall with the conſent of the council of regency, or the major part of thoſe preſent, not leſs than five, fill up ſuch vacancy by the appointment of a new officer, where the vacancy happens by the death removal or reſignation of one of the members appointed by reaſon of his office; or by the appointment of a new member of the ſaid council, being a natural-born ſubject, where the vacancy happens by the death or removal or reſignation of any member, not being one of the officers named in this act, or by the reſignation or removal of the archbiſhop of *Canterbury*, or of the lord chief juſtice of the King's bench, from being of the ſaid council of regency.

CVI. *Sect.* 17. Nothing herein contained ſhall take away or prejudice the rights of the privy council, but her royal highneſs ſhall have power to ſummon and hold the ſame in the uſual manner, and any of the members of the council of regency may be of the privy council alſo.

CVII. *Sect.* 18. Whenſoever and as often as the crown ſhall deſcend to ſuch minor ſucceſſor, in caſe a parliament be then in being, which have met and ſat, ſuch parliament ſhall continue for three years from the time of ſuch deſcent, unleſs ſuch ſucceſſor ſooner attain his or her age of 18 years, or ſuch parliament be ſooner diſſolved by her ſaid royal highneſs with the conſent of a major part of the council of regency then in *Great Britain*, or if their number be equal of one half; and in caſe at the time of ſuch deſcent there be no parliament in being which have met and ſat, then the laſt preceeding parliament ſhall immediately convene and ſit at *Weſtminſter*, and be a parliament for three years as if the ſame had never been diſſolved, unleſs ſuch ſucceſſor ſooner attain his or her age of 18 years, or ſuch parliament be ſooner diſſolved by her ſaid royal highneſs with ſuch conſent as laſt mentioned.

CVIII. *Sect.* 19. In caſe the crown deſcend to any of the children of his late royal highneſs *Frederick* prince of *Wales* before his or her age of 18 years, ſuch ſucceſſor ſhall not during the regency of her ſaid royal highneſs be married without the conſent of her ſaid royal highneſs and of a major part of the council of regency then in *Great Britain*, or if their number be equal of one half; and every marriage without ſuch conſent ſhall be void, and every perſon concerned in bringing about ſuch marriage, and the perſon ſo married to ſuch King or Queen under the age of 18 years, ſhall be guilty of high treaſon.

CIX. *Sect.* 20. In all caſes where the members of the council of regency be equally divided in their voices, her ſaid royal highneſs ſhall determine the queſtion if ſhe pleaſe to give her own opinion thereupon.

CX. *Sect.* 21. In all caſes where the conſent of a major or one half part of the council of regency then in *Great Britain*, is by this act made neceſſary, ſuch conſent ſhall be ſigned by the members giving ſuch conſent in the council books. And a clerk or clerks of the council of regency ſhall be appointed by her ſaid royal highneſs; who ſhall provide books for entering the acts of ſuch council, and enter the ſame and keep the ſaid books, for which he ſhall be anſwerable; and ſuch clerk or clerks before entering upon the ſaid office ſhall take an oath before ſuch council for the due execution thereof.

CXI. *Sect.* 22. All commiſſions, letters patent, orders and things, made or done by the ſaid regent, either with or without the conſent of the council of regency, in order unlawfully to ſet aſide or vary the order and method of government, ſettled by this act,

act, during ſuch minorities as aforeſaid, ſhall be void; and every perſon adviſing or aſſiſting therein ſhall incur the penalties of *premunire*.

The 28 Hen. 8. cap. 17. and the 1 Edw. 6. cap. 11. are determined, and of no force.

CXII. **Stat.** 1 *Geo.* 3. *cap.* 1. *ſect.* 1. Whereas by 1 *Geo.* 2. *ſtat.* 1. *cap.* 1. it was enacted that the duties of exciſe granted by 12 *Car.* 2. *cap.* 23. and 2 *Will. & Mar. ſtat.* 1. *cap.* 3. (a certain duty of 6 *d. per* barrel on vinegar beer excepted) and a duty of 6 *d.* part of a duty of 8 *s. per* barrel on vinegar beer granted by 10 *Will.* 3. *cap.* 21. *ſect.* 10. and the further ſubſidy of tunnage and poundage granted by 9 *Will.* 3. *cap.* 23. ſhould be paid to his late Majeſty for life; and that the yearly ſum of 120,000 *l.* granted out of the Aggregate fund by 1 *Geo.* 1. *cap.* 12. ſhould be continued to his late Majeſty for life; and by 4 *Geo.* 2. *cap.* 27. a yearly ſum was paid out of the Aggregate fund in lieu of ſuch part of the duties on the importation of undreſſed flax thereby diſcontinued, as was applicable to his Majeſty's houſhold; and by 9 *Geo.* 2. *cap.* 23. *ſect.* 18. the yearly ſum of 70,000 *l.* was granted in lieu of certain duties on low wines and ſpirits thereby made part of the ſaid fund; and by 12 *Geo.* 2. *cap.* 21. a yearly ſum was paid in lieu of ſuch part of the duties thereby diſcontinued, on the importation of woollen and bay yarn from *Ireland*, as was applicable to his Majeſty's houſhold; and by 30 *Geo.* 2. *cap.* 19. *ſect.* 12. the yearly ſum of 7,002 *l.* 14 *s.* and 3 *d.* was directed to be paid to his Majeſty and his heirs, out of the new duties thereby granted on licences to retail wine, in lieu of the former duties; and his Majeſty has graciouſly conſented that ſuch diſpoſition might be made of his intereſt in the hereditary revenues of the crown as might beſt conduce to the utility of the public; it is reſolved to grant his Majeſty a certain revenue out of the Aggregate fund, and that the duties formerly applied to the ſupport of the King's houſhold be made part of the ſaid fund; and it is enacted that during the life of his Majeſty King *George* the third the duties of exciſe upon beer, ale, *&c.* granted to King *Charles* the ſecond by the act of 12 *Car.* 2. *cap.* 23. and granted to King *William* and Queen *Mary* for their lives, and continued to Queen *Anne* by 1 *Ann. cap.* 7. for her life, and to King *George* the firſt by 1 *Geo.* 1. *ſtat.* 1. *cap.* 1. for his life, and to his late Majeſty King *George* the ſecond by 1 *Geo.* 2. *ſtat.* 1. *cap.* 1. for his life (other than the duty of ſixpence for every barrel of vinegar beer excepted by 2 *Will. & Mar. ſtat.* 1. *cap.* 3.) and alſo the duty of ſixpence, part of the duty of 8 *s.* for every barrel of vinegar, vinegar beer or liquor preparing for vinegar, brewed of any *Engliſh* or foreign materials for ſale, impoſed by 10 *Will.* 3. *cap.* 21. *ſect.* 10. ſhall be paid in the ſame manner as expreſſed in the before mentioned acts, or any law relating to the exciſe.

CXIII. *Sect.* 2. The further ſubſidy of tonnage and poundage, and other duties upon wines, goods and merchandizes granted by 9 *Will.* 3. *cap.* 23. to King *William* for life, and continued to Queen *Anne* by 1 *Ann. cap.* 7. for her life, and to King *George* the firſt by 1 *Geo.* 1. *cap.* 1. for his life, and to his late Majeſty King *George* the ſecond by 1 *Geo.* 2. *ſtat.* 2. *cap.* 1. for his life, and all ſuch other duties as were payable by any act of parliament on the 24th of *October* 1760. and ſettled for the ſupport of the houſhold of his late Majeſty King *George* the ſecond, and of the honour and dignity of the crown, ſhall from the demiſe of his late Majeſty be, during the life of our ſovereign lord King *George* the third, paid by the ſame ways as by 9 *Will.* 3. *cap.* 23. or any other act now in force in that behalf; and the ſaid 9 *Will.* 3. *cap.* 23. and other acts touching the ſaid duties, and all the clauſes therein contained or thereby referred unto, ſo far as relates to the raiſing or making allowances out of the ſame duties, and any exemptions in reſpect thereof, ſhall be of force during the life of our ſovereign lord King *George* the third.

CXIV. *Sect.* 3. The produce of the hereditary duties of exciſe, and the produce of the duties of exciſe upon beer, ale, *&c.* hereby continued for his Majeſty's life, and the produce of the further ſubſidy of tonnage and poundage, and of other duties upon wines, goods and merchandizes, and other duties before mentioned, and the produce of ſuch other duties as were payable on the 24th of *October* 1760. and ſettled for the ſupport of the houſhold of his late Majeſty, and the revenue of the poſt-office, and the ſmall branches of his Majeſty's revenues, *viz.* the fines for writs of

covenant

covenant and writs of entry payable in the alienation office, the poſt fines, the yearly ſum of 7,002 *l.* 14 *s.* 3 *d.* payable out of the new duties on licences to retail wine by 30 *Geo.* 2. *cap.* 19. *ſect.* 13. the ſheriffs proffers, and compoſitions in the exchequer, and ſeizures of prohibited and uncuſtomed goods, the revenue ariſing by rents of lands, or for fines of leaſes (except the revenue of the duchy of *Cornwall*) and all revenues which on the 24th of *October* 1760. ſtood ſettled for the ſupport of the houſhold of the late King during his late Majeſty's life (except the monies neceſſary to defray the expences of collection and management, and except ſuch ſums as were payable out of the Aggregate fund as aforeſaid, and except ſuch revenues as have been granted to any perſons in purſuance of any act of parliament, and except all charges of particular annuities on the ſaid revenues allowed of by act of parliament) ſhall from the demiſe of his late Majeſty be, during his preſent Majeſty's life, made part of the Aggregate fund eſtabliſhed by 1 *Geo.* 1. *cap.* 12. and be applied in manner herein after mentioned, to the uſes to which the ſaid fund is applicable: nevertheleſs the ſaid hereditary duties of exciſe, and duties of exciſe continued for his Majeſty's life, and revenues of the poſt-office, ſhall reſpectively be charged with the ſeveral payments directed to be ſet apart by any former act.

CXV. *Sect.* 4. For the ſupport of his Majeſty's houſhold, and of the honour and dignity of the crown, there ſhall be granted out of the Aggregate fund, from the demiſe of his late Majeſty to his preſent Majeſty during his life the revenue herein after-mentioned, *viz.* the clear yearly ſum of 723,000 *l.* during the continuance of an annuity of 50,000 *l.* payable by 10 *Geo.* 2. *cap.* 29. to her royal highneſs the princeſs dowager of *Wales*, and of the annuities payable by 12 *Geo.* 2. *cap.* 15. of 15,000 *l.* to his royal highneſs *William* duke of *Cumberland* and the heirs male of his body, and 12,000 *l.* to her royal highneſs the princeſs *Amalie*; and in caſe of the determination of one or more of the ſaid annuities, then ſuch clear yearly ſum over and above the ſaid yearly ſum of 723,000 *l.* as the annuity ſo determined amounted to; and in caſe of the determination of all the ſaid annuities, then the clear yearly ſum of 800,000 *l.* and the ſaid yearly ſums for the ſupport of his Majeſty's houſhold, and of the honour and dignity of the crown, are hereby charged upon the duties which compoſe the Aggregate fund, (after paying, or reſerving ſufficient to pay, all ſuch ſums as have been directed by any former act to be paid out of the ſame, but with preference to all other payments which may hereafter be charged upon the ſaid fund) and the ſum of 149,586 *l.* 4 *s.* 1 *d.* ½ ſhall be paid out of the ſaid fund for the ſupport of his Majeſty's houſhold, *&c.* from the 25th of *October* 1760. to the 6th of *January* 1761. being the proportion of the ſaid annual rent for the ſaid term; and from rhe 5th of *January* 1761. the ſaid yearly ſums ſhall be payable to his Majeſty quarterly at the four uſual days of payment in the year, *viz.* 5th of *April*, 5th of *July*, 10th of *October*, and 5th day of *January*: and the commiſſioners of the treaſury ſhall cauſe the ſaid yearly ſums or any arrears thereof to be iſſued from time to time, daily, weekly, or otherwiſe, as ſoon as the ſame can be ſatisfied.

CXVI. *Sect.* 5. And whereas it may be proper for the ſupport of his Majeſty's houſhold that money ſhould be iſſued, from time to time, within each quarter, before the accounts of the Aggregate fund be made up, the commiſſioners of the treaſury ſhall from time to time, between the reſpective days appointed for ſettling the accounts of the Aggregate fund, cauſe any payment to be made in advance to his Majeſty's uſe, out of any monies ariſing in the receipt of the exchequer by the produce of any of the ſaid revenues herein before directed to be made part of the ſaid fund (except only ſuch part of the produce of the duties on low wines, ſtrong waters, brandy, rum, arrack and other ſpirits, as by 9 *Geo.* 2. *cap.* 23. were united to the Aggregate fund, and farther continued by this act) ſo that the whole of ſuch payments, with all other payments out of the ſaid fund, do not exceed for the purpoſes aforeſaid, in any one quarter, the fourth part of the annual ſum charged upon the ſaid fund by this act.

CXVII. *Sect.* 6. His Majeſty ſhall be impowered to grant a ſum not exceeding 5000 *l.* *per ann.* to the lord chancellor, in the uſual manner, to be paid by the receiver of the revenues of the poſt-office out of the ſaid revenues; and ſuch payment ſhall be conſidered as part of the annual ſum by this act granted to his Majeſty for the ſupport of his civil government.

CXVIII. *Sect.*

CXVIII. *Sect.* 7. The commiſſioners of the treaſury, and the high treaſurer, chancellor, and under treaſurer, chamberlains, and barons of the exchequer, and all other officers of the court of exchequer, and of the receipt thereof, ſhall do all things herein before directed or neceſſary to be done to render this act, and the ſeveral payments hereby directed, effectual.

CXIX. *Sect.* 8. The ſeveral duties payable to his late Majeſty King *George* the ſecond in *Scotland*, during his life, ſhall be continued during the life of his preſent Majeſty, in the ſame manner only as during his late Majeſty's life: ſaving to all perſons (other than the King and ſuch perſons who ſtand ſeiſed in truſt for his Majeſty) all rights.

CXX. *Sect.* 9. Nothing in this act ſhall impeach any rights over the ſmall branches of his Majeſty's hereditary revenue herein particularly mentioned, and uſed by any of his Majeſty's royal predeceſſors ſince the 1 *Ann. cap.* 7. other than the power of granting any ſuch of the ſaid ſmall branches as are ſubject to the reſtrictions of the ſaid laſt mentioned act, in derogation of the ſpecial purpoſe of this act to carry the ſame to the aggregate fund.

CXXI. *Sect.* 10. Nothing in this act ſhall affect any rights which have been or may be exerciſed by authority of the crown, or other lawful warrant, relative to any leaſes, grants or aſſurances, of any of the ſaid ſmall branches of his Majeſty's hereditary revenues, or to any ſuits for recovery of the ſame, or to compoſitions on account of any of the ſaid ſmall branches; or to any remiſſion, mitigation or pardon, of any penalties or forfeitures by the importation of prohibited and uncuſtomed goods; or to fines taken or to be taken, or to rents, boons and ſervices reſerved or to be reſerved upon ſuch grants, leaſes and aſſurances, or to the mitigation or remiſſion of the ſame; or to any other lawful act which has been or may be done touching the ſaid branches.

CXXII. **Stat.** 1 *Geo.* 3. *cap.* 5. *ſect.* 1. His Majeſty ſhall be capable of being governor of the company of merchants trading to the *South-Seas*, &c, and an addreſs of the company in their general court (in caſe his Majeſty be pleaſed to accept of being their governor) ſhall be adjudged an election of his Majeſty to be governor of the ſaid company, without the forms preſcribed by the charter.

CXXIII. *Sect.* 2. The oaths preſcribed by the charter or any law, and all other things requiſite to qualify a ſubject to be governor of the company, ſhall not be deemed neceſſary for his Majeſty's qualification; who in all caſes where any vote is to be given, or act done by him as governor of the company, may, if his Majeſty think fit, by any warrant under his ſign manual, appoint the ſub-governor, or deputy-governor of the company, to vote or act for him.

See **Liberties, Oaths.**

Labourers.

LII. **Stat.** 20 *Geo.* 2. *cap.* 19. *ſect.* 1. All complaints and diſputes between maſters or miſtreſſes, and ſervants in huſbandry, hired for one year or longer, or between maſters and miſtreſſes, and artificers, handicraftſmen, miners, colliers, keelmen, pitmen, glaſsmen, potters, and other labourers employed for any certain time, or in any other manner, ſhall be heard and determined by a juſtice of peace of the county or place where ſuch maſter or miſtreſs inhabit, although no rate of wages has been made that year by the juſtices or other head officer where ſuch complaints are made; which juſtice may examine upon oath any ſuch ſervant, *&c.* or any witneſs, and make ſuch order for payment of ſo much wages as to ſuch juſtice ſeems juſt; provided the ſum in queſtion do not exceed 10*l.* with regard to any ſervant, nor 5*l.* with regard to any artificer, handicraftſman, *&c.* and in caſe of refuſal or non-payment for 21 days after ſuch determination, ſuch juſtice ſhall iſſue his warrant to levy the ſame by diſtreſs and ſale of the goods of ſuch maſter or miſtreſs, or perſon employing ſuch artificer, handicraftſman, *&c.* rendering the overplus to the owner after payment of the charges of ſuch diſtreſs and ſale.

Labourers.

LIII. *Sect.* 2. It ſhall be lawful for ſuch juſtice upon complaint made upon oath, by any maſter, miſtreſs or employer, againſt any ſuch ſervant, artificer, handicraftſman, miner, collier, keelman, pitman, glaſsman, potter or labourer, concerning any ill-behaviour, to determine the ſame; and to puniſh the offender by commitment to the houſe of correction, there to be corrected and held to hard labour for a reaſonable time not exceeding one calendar month, or by abating ſome part of his wages, or by diſcharging him from his ſervice or employment: In like manner it ſhall be lawful for ſuch juſtice upon any complaint upon oath, by any ſuch ſervant, artificer, *&c.* againſt ſuch maſter, miſtreſs or employer, concerning any miſuſage, refuſal of neceſſary proviſion, cruelty or ill-treatment, to ſummon ſuch maſter, miſtreſs or employer, and whether he appear or not (proof being made upon oath of his being ſummoned;) and upon proof of the complaint upon oath, to diſcharge ſuch ſervant, artificer, *&c.* which diſcharge ſhall be given under the hand and ſeal of ſuch juſtice *gratis*.

LIV. *Sect.* 5. Provided that if any perſon think himſelf aggrieved by the determination or warrant of ſuch juſtice (except any order of commitment) he may appeal to the next general quarter ſeſſions of the peace for the county, *&c.* or place where ſuch determination is made; which ſaid next general quarter ſeſſions is finally to determine the ſame, and to award ſuch coſts to the appellant or reſpondent, as they judge reaſonable, not exceeding 40*s.* to be levied by diſtreſs and ſale.

LV. *Sect.* 6. No *certiorari*, or other proceſs, ſhall iſſue to remove any proceedings in purſuance of this act into any court of record at *Weſtminſter*.

LVI. **Stat.** 31 *Geo.* 2. *cap.* 11. *ſect.* 3. The 20 *Geo.* 2. *cap.* 19. ſhall extend to all ſervants employed in huſbandry, though hired for a leſs time than one year.

Lancaſter.

XIV. **Stat.** 17 *Geo.* 2. *cap.* 7. *ſect.* 1. The chancellor of the duchy and county palatine of *Lancaſter*, or his vice chancellor, ſhall by one or more commiſſions under the ſeal of the ſaid county palatine, impower what and as many perſons as be thought fit to take and ſwear all ſuch affidavits, as any perſon ſhall be deſirous to make before any of the perſons ſo impowered, concerning any cauſe or thing depending, or any wiſe concerning any of the proceedings in the court of chancery, and in the courts of ſeſſion in the ſaid county palatine, as maſters of chancery in extraordinary uſe to do; which affidavits ſhall be filed in the offices of the ſaid courts; and ſhall be read and made uſe of in the ſaid reſpective courts, as other affidavits taken in the ſaid courts now are; and ſhall be of the ſame force, as affidavits taken in the ſaid reſpective courts now are; and every perſon forſwearing himſelf in ſuch affidavit ſhall incur the ſame penalties as if ſuch affidavit had been made in open court: Which ſaid commiſſions ſhall be made out by the curſitors of the ſaid county palatine, upon a fiat from the ſaid chancellor or vice chancellor; and the ſaid curſitors ſhall cauſe entries to be made in a book of the names of the perſons to whom ſuch commiſſions are granted, and the times when iſſued; and the following fees ſhall be paid for each commiſſion; *viz.* 2*s.* for the fiat, 4*s.* for making out the ſaid commiſſion, beſides the King's duty and the value of the parchment, and 4*s.* for ſealing the ſame; and every commiſſioner ſhall take for the ſwearing of every affidavit before him 1*s.*

XV. *Sect.* 2. Such officers of the ſaid courts as have heretofore taken affidavits ſhall continue ſo to do.

Leaſes.

XXII. **Stat.** 29 *Geo.* 2. *cap.* 31. *ſect.* 1. Where any perſon under the age of 21 years, or any lunatic or feme covert, is intereſted in, or intitled to, any leaſe for life or lives, or for any term of years, either abſolute or determinable upon the death of one or more perſons, or otherwiſe, it ſhall be lawful for ſuch perſon under the age of 21, or his guardian, or other perſon on his behalf, and for ſuch lunatic, or his guardian or committee of the eſtate, or other perſon on his behalf, and for ſuch

feme covert or any perſon on her behalf, to apply to the court of chancery of *Great Britain*, the court of exchequer, the courts of equity of the counties palatine of *Cheſter*, *Lancaſter* and *Durham*, or the courts of great ſeſſion of *Wales* reſpectively, by petition or motion in a ſummary way; and by the order of the ſaid courts reſpectively made upon hearing all parties concerned, ſuch perſon under the age of 21, and ſuch lunatic or perſon appointed by the ſaid courts reſpectively, and ſuch feme covert, by deed or deeds only, without levying any fine, ſhall be enabled to ſurrender ſuch leaſe, and accept in the name and for the benefit of ſuch perſon under the age of 21, or lunatic or feme covert, one or more new leaſes of the premiſſes compriſed in ſuch leaſe ſurrendered, for ſuch number of lives, or term of years determinable upon ſuch number of lives, or term of years abſolute, as was mentioned in ſuch leaſe ſo ſurrendered, at the making thereof, or otherwiſe, as the ſaid courts ſhall direct.

XXIII. *Sect.* 2. All money and other conſideration advanced by any ſuch guardian or other perſon, as a fine or income for the renewal of any ſuch leaſe, and all reaſonable charges, ſhall be paid out of the effects of the infant or lunatic for whoſe benefit the ſaid leaſe is renewed, or ſhall be a charge upon the leaſehold premiſſes, with intereſt as the ſaid courts reſpectively direct; and concerning leaſes to be made upon ſurrenders by femes covert, unleſs the fine or conſideration of ſuch leaſe, and the reaſonable charges be otherwiſe paid or ſecured, the ſame with intereſt ſhall be a charge upon ſuch leaſehold premiſſes, for the uſe of ſuch perſon who advances the ſame.

XXIV. *Sect.* 3. The leaſes to be ſo renewed ſhall be to the ſame uſes, and liable to the ſame truſts, charges, diſpoſitions, deviſes and conditions, as the leaſes ſurrendered.

XXV. *Sect.* 4. Every ſuch ſurrender, and ſuch leaſe granted thereupon, ſhall be as valid as if ſuch ſurrender had been made by and on the behalf of a perſon of full age, ſane mind, or not married.

See **Dilapidations, King,** &c.

Libraries.

XXII. **Stat.** 26 *Geo.* 2. *cap.* 22. *ſect.* 1. Out of the monies to be raiſed by this act the ſum of 20,000*l.* ſhall be paid to the executors of Sir *Hans Sloane* in ſatisfaction for his collection or *Muſeum* at his manor houſe at *Chelſea*, conſiſting of all his library of books, drawings, manuſcripts, prints, medals and coins ancient and modern, antiquities, ſeals, cameas, and intaglios, precious ſtones, agates, jaſpers, veſſels of agate and jaſper, cryſtals, mathematical inſtruments, drawings and pictures, and all other things in the ſaid collection or *Muſeum*, more particularly deſcribed and numbered, with ſhort hiſtories or accounts of them, with proper references in certain catalogues by him made, containing 38 volumes in folio, and eight volumes in quarto, (except ſuch pictures as are not marked with the word collection) and for the uſe of his manor houſe and garden at *Chelſea* with their appurtenances, and of the water belonging thereto coming from *Kenſington*, until a more convenient repoſitory more durable and ſafe from fire, and nearer to the chief places of public reſort, be provided for the reception of the ſaid *Muſeum*.

XXIII. *Sect.* 2. When the legacy of 7000*l.* given by *Arthur Edwards* Eſq; after the deceaſe of Mrs. *Elizabeth Milles*, to the truſtees of the *Cottonian* library, ſhall on the deceaſe of the ſaid *Elizabeth Milles* become payable, the ſame ſhall be paid to the truſtees by this act appointed, or to the perſons by the major part of them in a general meeting authorized to receive the ſame; to be applied either towards providing a proper repoſitory for the *Cottonian* library; or if ſuch repoſitory be provided before the ſaid legacy become payable, towards purchaſing ſuch manuſcripts, books of antiquities, antient coins, medals, and other curioſities, as may be worthy to increaſe the ſaid library; and the acquittance of any perſon authorized by the ſaid truſtees or the major part of them, in a general meeting, to receive the ſaid legacy, ſhall be a ſufficient diſcharge to the executors and repreſentatives of the ſaid teſtator.

XXIV. *Sect.* 3. And whereas *Henrietta Cavendiſh Holles*, counteſs of *Oxford*, relict of *Edward* earl of *Oxford*, and *Margaret Cavendiſh*, ducheſs of *Portland* their only daughter,

ter, have approved of a propoſal for the purchaſe of the collection of manuſcripts, collected by the ſaid earl, and by *Robert* earl of *Oxford* his father, in conſideration of 10,000*l.* upon condition that the ſame be kept together, as an addition to the *Cottonian* library, and be called the *Harleian collection of manuſcripts*; be it enacted that out of the monies to be raiſed by this act, the ſum of 10,000*l.* ſhall be paid by order of the truſtees hereby appointed to the truſtees for the ſaid earl and counteſs, to whom by an indenture *quadripartite* made the ſecond of *Auguſt* 1737. the ſaid collection of manuſcripts was aſſigned: the ſaid collection of manuſcripts to be placed in the ſame repoſitory in which the *Cottonian* library is to be placed.

XXV. *Sect* 4. The archbiſhop of *Canterbury*, the lord chancellor, the lord treaſurer, or firſt commiſſioner of the treaſury, the lord preſident of the council, the lord privy ſeal, the lord high admiral, or firſt commiſſioner of the admiralty, the lord ſteward of his Majeſty's houſhold, the lord chamberlain of his Majeſty's houſhold, the biſhop of *London*, each of the principal ſecretaries of ſtate, being a peer, the ſpeaker of the houſe of commons, each of the principal ſecretaries of ſtate, not being a peer, the chancellor of the exchequer, the lord chief juſtice of the King's bench, the maſter of the rolls, the chief juſtice of the common pleas at *Weſtminſter*, the attorney general, the ſolicitor general, the preſident of the royal ſociety, the preſident of the college of phyſicians, together with *Charles* lord *Cadogan*, and *Hans Stanley* Eſquire, and together with *Samuel Borroughs* and *Thomas Hart*, Eſquires, two of the preſent truſtees of the *Cottonian* library, and together with *William* duke of *Portland*, and *Edward* earl of *Oxford*, ſhall be truſtees for putting this act in execution; and they, or the major part of them, in a general meeting aſſembled, whereof the archbiſhop of *Canterbury*, the lord chancellor, and the ſpeaker of the houſe of commons, ſhall be three, ſhall nominate 15 other perſons to be aſſociated to them in the execution of the truſts hereby in them repoſed; which 15 perſons ſo nominated ſhall continue for the term of their lives truſtees for putting this act in execution, with the like power as hereby is given to the truſtees herein before firſt appointed; and when any of the ſaid truſtees ſo nominated dies, the truſtees herein before firſt appointed and their ſucceſſors, ſhall nominate a fit perſon to ſupply his place, and ſo *toties quoties*.

XXVI. *Sect.* 5. When either the ſaid *Charles* lord *Cadogan* or *Hans Stanley* ſhall die, it ſhall be lawful for the ſurvivor to nominate another fit perſon to ſucceed the deceaſed in the place of a truſtee; and after the deceaſe of both of them (the ſaid *Charles* lord *Cadogan* and *Hans Stanley*) it ſhall be lawful for the heirs male of their bodies, and upon failure of the heirs male of the body of either of them, for the heirs male of the body of the other, being of full age, or their reſpective guardians during their minority, to nominate a truſtee in the room of the perſon laſt nominated by the ſurvivor of them; and ſo as often as any perſon ſupplying the place of the ſaid *Charles* lord *Cadogan* or *Hans Stanley* ſhall die.

XXVII. *Sect.* 6. When either the ſaid *Samuel Borroughs* or *Thomas Hart* ſhall die, it ſhall be lawful for *Frances Hanbury* widow of *Francis Hanbury* Eſquire, (which *Frances Hanbury* is the heir-general of Sir *Robert Cotton*) and after her deceaſe for the heirs male of her body being of age, and in default of ſuch iſſue, for her firſt, ſecond, third, fourth, and every other daughter, in remainder one after another in order of priority of birth, and the reſpective heirs male of the bodies of ſuch daughters being of age, or their reſpective guardians during their minority, to nominate another fit perſon to ſupply the place of the deceaſed truſtee, and ſo as often as any perſon ſupplying the place of either of the ſaid truſtees ſhall die.

XXVIII. *Sect.* 7. When either the ſaid *William* duke of *Portland*, or the ſaid *Edward* earl of *Oxford*, herein appointed truſtees ſhall die, it ſhall be lawful for the ſaid counteſs of *Oxford* and the ſaid ducheſs of *Portland*, or the ſurvivor of them, and after the deceaſe of the ſaid counteſs and ducheſs, for the heirs male of the body of the ſaid ducheſs being of age, or their guardians during their minority; and upon failure of ſuch heirs male for the heirs male of the body of *Edward* now earl of *Oxford*, being of age, or their guardians during their minority, to nominate another fit perſon to ſupply the place of the ſaid duke or the ſaid earl; and ſo as often as any perſon ſo ſupplying the place of either of them ſhall die.

XXIX. *Sect.* 8. The truſtees ſo nominated by the ſurvivor of the ſaid *Charles* lord *Cadogan* and *Hans Stanley*, and by the heirs male of the bodies of them, or either of them,

them, or the reſpective guardians of ſuch heirs male, and by the ſaid counteſs and ducheſs, or the ſurvivor of them, or by ſuch heirs male of the ſaid ducheſs, or of the ſaid now earl of *Oxford*, or their guardians, ſhall have the like power in the execution of this act, as the truſtees firſt deſcribed.

XXX. *Sect.* 9. Within the cities of *London* or *Weſtminſter*, or the ſuburbs thereof, one general repoſitory ſhall be erected or provided in ſuch place and manner, as the truſtees or major part of them, at a general meeting, direct, for the reception not only of the ſaid *Muſeum*, or collection of Sir *Hans Sloane*, but alſo of the *Cottonian* library, and of the additions thereunto by the laſt will of the ſaid *Arthur Edwards*, and likewiſe of the ſaid *Harleian* collection of manuſcripts, and of ſuch other additions to the *Cottonian* library, as with the approbation of the truſtees by this act appointed, at a general meeting, ſhall be made thereunto, and of ſuch other collections and libraries as with the like approbation ſhall be admitted into the ſaid general repoſitory; which ſeveral collections, additions and library ſhall be preſerved therein for public uſe to all poſterity.

XXXI. *Sect.* 10. The ſaid *Muſeum* of Sir *Hans Sloane* ſhall be kept together in the ſaid repoſitory whole and intire, and with proper marks of diſtinction.

XXXII. *Sect.* 11. The ſaid *Harleian* collection of manuſcripts ſhall be kept together in the ſaid repoſitory, as an addition to the *Cottonian* library.

XXXIII. *Sect.* 12. Until the ſaid repoſitory be provided, the ſaid *Muſeum* of Sir *Hans Sloane* ſhall remain in his ſaid manor houſe for public uſe, under the care of perſons nominated by the archbiſhop of *Canterbury*, lord chancellor, and ſpeaker of the houſe of commons, or two of them, with ſalaries as directed by the truſtees in a general meeting.

XXXIV. *Sect.* 13. When the ſaid *Muſeum* is removed into the ſaid general repoſitory, the ſaid manor houſe and garden with their appurtenances and water ſhall belong to ſuch perſon, and in ſuch manner as the ſaid Sir *Hans Sloane* hath deviſed the reſt of his manors, lands and tenements at *Cheſſea*, or elſewhere.

XXXV. *Sect.* 14. The ſaid truſtees hereby appointed ſhall be a body corporate by the name of *The truſtees of the Britiſh Muſeum*; and have power to uſe a common ſeal; and to make by-laws, and to aſſemble as often and upon ſuch notice as to them ſeems meet; and ſhall alſo have ability to purchaſe and enjoy for the purpoſes of this act, as well goods as lands and hereditaments, ſo as the yearly value of ſuch lands exceed not 500 *l.* above reprizes.

XXXVI. *Sect.* 15. The truſtees, or major part of them, at any general meeting, ſhall make ſtatutes and rules for the cuſtody, preſervation and inſpection of the ſeveral collections in the ſaid general repoſitory, and ſhall aſſign ſuch ſalaries as they think fit, to the officers and ſervants appointed to attend in the care of the collections; and at their pleaſure ſuſpend or remove any ſuch officer or ſervant for miſbehaviour.

XXXVII. *Sect.* 16. The principal librarian to whom the care of the ſaid repoſitory ſhall be chiefly committed ſhall be appointed in manner following; *viz.* the archbiſhop of *Canterbury*, lord chancellor, and ſpeaker of the houſe of commons, or two of them, ſhall recommend to his Majeſty two perſons, and ſuch of the ſaid two as his Majeſty by writing under his ſign manual ſhall appoint, after he is become bound to the truſtees for the faithful diſcharge of his office in ſuch penal ſum not leſs than 1000 *l.* as the truſtees at any general meeting think proper, ſhall hold the ſaid office, during ſuch time as he ſhall behave well therein.

XXXVIII. *Sect.* 17. The reſt of the officers and ſervants ſhall be appointed by the archbiſhop of *Canterbury*, lord chancellor, and ſpeaker of the houſe of commons, or two of them.

XXXIX. *Sect.* 18. No ſuch perſon to whom the care of the ſaid repoſitory ſhall be chiefly committed, nor any of the reſt of the officers or ſervants, unleſs in caſes of occaſional ſickneſs, or other neceſſary cauſe of abſence, to be approved by the archbiſhop of *Canterbury*, lord chancellor, and ſpeaker of the houſe of common, or two of them, ſhall be permitted to ſupply his place by a deputy.

XL. *Sect.* 19. Provided that the perſon to whom the care of the ſaid repoſitory ſhall be chiefly committed, may be aſſiſted by ſubordinate officers and ſervants in manner aforeſaid appointed continually to aſſiſt him.

XLI. *Sect.* 20. The ſaid *Muſeum* of Sir *Hans Sloane*, after payment of the ſum of 20,000 *l.* and the ſaid manor houſe and garden, with the appurtenances and water, until the *Muſeum* be removed to the general repoſitory; and the ſaid *Cottonian* library and additions thereunto; and the ſaid *Harleian* collection of manuſcripts, after payment of the ſum of 10,000 *l.* and the general repoſitory when provided, ſhall be veſted in the truſtees and their ſucceſſors for ever; upon truſt that a free acceſs to the ſaid general repoſitory and to the collections therein, ſhall be given to all ſtudious and curious perſons, at ſuch times and under ſuch regulations for inſpecting and conſulting the ſaid collections, as by the truſtees in a general meeting ſhall be limited.

XLII. *Sect.* 21. It ſhall be lawful for his Majeſty by letters patent or indenture under the great ſeal of *Great Britain*, to grant unto the ſaid truſtees and their ſucceſſors, in perpetuity for the purpoſes of this act, the right or uſe of any rooms, meſſuages or buildings, with the appurtenances, or any ground, notwithſtanding 1 *Ann. ſtat.* 1. *cap.* 7. King XXXI. or any other law.

XLIII. *Sect.* 22. It ſhall be lawful for all bodies politic, truſtees, mortgagees, and feoffees in truſt, guardians and committees for infants, lunaticks and ideots, executors and adminiſtrators, and for all femes covert ſeiſed of lands in their own right, and for all other perſons ſeiſed or intereſted in any lands or hereditaments, to ſell and convey to the ſaid truſtees and their ſucceſſors, or to ſuch perſons as they at a general meeting appoint, all ſuch lands as the truſtees ſhall purchaſe for erecting and providing ſuch general repoſitory. And every ſum of money paid for the purchaſe of any lands to the uſe of any ſuch body politic or other perſon as aforeſaid, ſhall be laid out in the purchaſe of lands and hereditaments, and ſettled upon and ſubject to ſuch titles, truſts, limitations, remainders and contingencies, as the lands purchaſed by the truſtees were ſettled at the time of ſuch purchaſe; and until ſuch purchaſes be made the money ſhall be veſted in ſome of the public funds at intereſt, to be paid to the uſe of the perſon intitled to the rents of ſuch lands.

XLIV. *Sect.* 23. Saving to his Majeſty and to all perſons, other than the truſtees and viſitors by the ſaid Sir *Hans Sloane* appointed by his codicil to his laſt will, and other than the truſtees of the *Cottonian* library, and the truſtees for the ſaid counteſs of *Oxford*, all ſuch right to the premiſſes hereby veſted in the truſtees as they had if this act had not been made.

XLV. *Sect.* 24. For raiſing money for the purpoſes afore-mentioned, it ſhall be lawful for any perſon to contribute towards raiſing a ſum not exceeding 300,000 *l.* by paying the ſum of 3 *l.* for which ſum every ſuch contributor ſhall be intitled to receive a ticket in a lottery.

The money contributed was to be paid to receivers appointed by the archbiſhop, the lord chancellor, and the ſpeaker, out of the managers of the lottery eſtabliſhed by 24 Geo. 2. cap. 2. *and was to be paid by them into the bank: and was to be paid out of the bank as ſhould be ordered by the archbiſhop, lord chancellor, and ſpeaker, or any two of them, or the major part of the truſtees.*

XLVI. *Sect.* 48. All the monies ariſing from the ſaid lottery, ſubject to the charge of management, after payment of the ſums directed for the fortunate tickets, amounting to 200,000 *l.* ſhall be appropriated to the uſes after expreſſed; *viz.* in the firſt place 20,000 *l.* ſhall before the 11th of *January* 1754. be iſſued by order of the ſaid truſtees to the executors of Sir *Hans Sloane*, in conſideration of his ſaid *Muſeum*, and of the uſe of the ſaid manor houſe and garden, with the appurtenances and water, until ſuch time as the ſaid *Muſeum* be removed to the ſaid general repoſitory; in the next place, to the counteſs of *Oxford* and her truſtees, 10,000 *l.* or ſo much thereof as, together with the legacy of 7000 *l.* bequeathed to the truſtees of the *Cottonian* library, is ſufficient, in caſe the ſaid legacy before that time take effect, to pay the price for the ſaid *Harleian collection of manuſcripts*, ſo as the ſaid collection, until ſuch time as the ſaid general repoſitory be provided, remain in the place where the ſame is now lodged, or in ſome other convenient place to be approved by the ſaid truſtees, and be there preſerved at the coſts of the counteſs of *Oxford* and her truſtees; after payment of which ſums ſo much money ſhall be iſſued by order of the ſaid truſtees, as ſhall defray the expence of providing the ſaid general repoſitory and of the furniture thereof, and alſo the expence of preſerving the ſaid *Muſeum* of Sir *Hans Sloane*, at his manor houſe at *Chelſea*, during ſuch time as the ſaid *Muſeum* remains there,

and

and in removing the ſaid *Muſeum*; and alſo in removing the *Cottonian* library, and the additions thereunto, and the *Harleian collection of manuſcripts*, to the ſaid general repoſitory; which expence being defrayed, the ſum of 30,000 *l.* ſhall be placed out at intereſt, by order of the truſtees in general meeting, in any parliamentary ſecurity, or be lent upon the credit of any taxes impoſed by parliament, at ſuch intereſt as by any act impoſing ſuch taxes, or any other act ſhall be limited; the intereſt of which ſhall be iſſued by like order of the truſtees ſo aſſembled, towards payment of the ſalaries aſſigned to the officers and ſervants attending in the ſaid general repoſitory, and for the payment of ſuch other charges as the preſervation of the ſaid ſeveral collections and the repairs of the repoſitory, and the due execution of the truſt repoſed in the truſtees requires; and if after payment of the ſaid 20,000 *l.* and of the ſaid 10,000 *l.* or part thereof upon the contingency herein before mentioned, and ſo much money as the expence of providing and furniſhing the general repoſitory, and of preſerving the ſaid *Muſeum* of Sir *Hans Sloane* at the ſaid manor houſe of *Chelſea*, and of removing the ſaid ſeveral collections to the ſaid repoſitory, ſhall amount to; and after reſerving the laſt mentioned ſum of 30,000 *l.* any ſurplus remain, the ſame ſhall be reſerved for the future diſpoſition of parliament.

XLVII. *Sect.* 49. Until ſuch ſurplus be diſpoſed of by parliament, it ſhall be lawful for the truſtees to place out the ſaid ſurplus upon ſuch ſecurities, and upon ſuch credit, as they are herein impowered to place out the ſaid ſum of 30,000 *l.* the intereſt thereof, until the principal money be diſpoſed of by parliament, to be applied to ſuch uſes for the better accompliſhing the deſign of this act as by the ſaid truſtees in general meeting ſhall be directed.

XLVIII. **Stat.** 27 *Geo.* 2. *cap.* 16. *ſect.* 3. Every election of a truſtee of the *Britiſh Muſeum* in the room of one of the 15 mentioned in 26 *Geo.* 2. *cap.* 22. *ſect.* 4. at which the archbiſhop of *Canterbury*, the lord chancellor, and the ſpeaker of the houſe of commons, or any two of them ſhall be preſent, ſhall be as valid as if they were all of them preſent; and the acts and orders made by the major part of ſuch number of the ſaid truſtees as ſhall be preſent at any ſuch general meeting, ſo as ſeven of the truſtees at leaſt be there preſent, ſhall have the ſame force as if ſuch acts and orders were made by the major part of the whole number of the truſtees.

Life eſtates.

X. **Stat.** 14 *Geo.* 2. *cap.* 20. *ſect.* 9. Eſtates *pur autre vie*, in caſe there be no ſpecial occupant thereof, of which no deviſe ſhall have been made, according to 29 *Car.* 2. *cap.* 3. *Par.* IV. or ſo much thereof as ſhall not have been ſo deviſed, ſhall be diſtributed in the ſame manner as the perſonal eſtate of the teſtator or inteſtate.

Linens, printed ſilks, &c.

LV. **Stat.** 17 *Geo.* 2. *cap.* 30. *ſect.* 1. If any perſon affix or procure to be affixed any ſtamp in imitation of the ſtamp put upon the linens of *Scotland* or *Ireland*, on any foreign linens imported, he ſhall for every offence being convicted forfeit 5 *l.* for each piece of linen ſo ſtamped; and if any perſon ſell, expoſe to ſale, or pack up for ſale, any foreign linens, knowing them to be ſtamped as the manufacture of *Scotland* or *Ireland*, ſuch perſon being convicted ſhall forfeit the linens, and 5 *l.* for each piece ſo ſold, *&c.* and in caſe any perſon affix any counterfeit ſtamp upon any linens of the manufacture of *Great Britain* or *Ireland*, in order to vend the ſame as duly ſtamped, ſuch perſon being convicted ſhall forfeit 5 *l.* for every piece ſo ſtamped; and in caſe any perſon ſell, expoſe to ſale, or pack up for ſale, any ſuch linens knowing the ſame to be ſo ſtamped, ſuch perſon being convicted ſhall forfeit the linens, and 5 *l.* for each piece ſo ſold, *&c.*

LVI. *Sect.*

LVI. *Sect.* 2. It ſhall be lawful for any juſtice of peace for the county or place where any offence is committed, to convict the party offending, upon the oath of one witneſs, and to grant a warrant to levy the penalties by diſtreſs and ſale of the offender's goods; and in caſe no goods can be found, or not ſufficient to pay ſuch penalties, any juſtice of peace ſhall, upon proof upon oath by the perſon who has the execution of the warrant for diſtreſs, commit the party offending to the gaol of the county, *&c.* where the offence is committed for ſix months, unleſs ſuch penalties be ſooner paid; which penalties ſhall be applied to the uſe of the informer, firſt deducting 2 *s.* in the pound, to be paid to the conſtable or officer executing the warrant for levying the penalties.

LVII. Stat. 18 *Geo.* 2. *cap.* 24. *ſect.* 1. No ſtamp maſter or lapper in *Scotland* or *Ireland*, ſhall any way mark, ſtamp or ſeal any linens until he have taken an oath for the faithful execution of his office, before a juſtice of peace in *Scotland* and *Ireland* reſpectively, nor until after the owner or manufacturer of any linen brought to be ſtamped, before the ſtamp maſter of the place next adjoining to his place of abode, take an oath that ſuch linens are the manufacture of *Scotland* or *Ireland*, and of no other place.

LVIII. *Sect.* 3. Every piece of cloth intended to be cut for bleaching, ſhall be ſo cut in the preſence of the ſtamp maſter of the place next adjoining to the place of abode of the owner; and each piece cut off, not having the maker's name and place of abode ſtamped thereon, ſhall be ſtamped with the name and place of abode of the ſtamp maſter and of the maker, with the year wherein the ſame was ſo bleached. And if any perſon mark or cauſe any linens to be marked, contrary to this act, or with a mark expreſſing the name or place of abode of any perſon other than the maker, or expreſſing an untrue deſcription of the maker's place of abode, or of the year in which ſuch linen was manufactured, or of the order in which the ſame was made, or wilfully ſet on any ſuch linens any falſe or counterfeit ſtamp in imitation of the ſtamp uſed by any maker of *Britiſh* or *Iriſh* linens, or wilfully cut off, or deſtroy, or cauſe to be cut off or deſtroyed, any mark ſtamped on linen; ſuch perſon ſhall forfeit 5 *l.* for every piece of linen ſo ſtamped; to be recovered by bill, *&c.* in any court of record at *Weſtminſter*, the court of ſeſſion, court of juſticiary, or court of exchequer in *Scotland*, or in any court of record in *Dublin*, wherein no eſſoin, *&c.* ſhall be allowed; and one moiety of the ſaid penalties ſhall be to the uſe of the King, and the other moiety to ſuch perſon as will ſue for the ſame.

LIX. *Sect.* 4. If any perſon make or affix, or cauſe to be made or affixed, on any linens of foreign manufacture imported into *Great Britain* or *Ireland*, any of the ſtamps required by law to be put on linens of the manufacture of *Scotland* or *Ireland*, or make or affix any of the ſtamps hereby required to be marked upon linens of the manufacture of *Great Britain* or *Ireland*, or any ſtamp in imitation thereof, ſuch perſon being convicted ſhall ſtand on the pillory for one hour in the forenoon, and alſo be puniſhed by fine not exceeding 50 *l.* or by impriſonment for any time not exceeding 12 months, at the diſcretion of the court before whom ſuch offender is convicted: and if any perſon ſell, or expoſe to ſale, or pack up for ſale, or enter for exportation, any foreign linens ſtamped with any of the ſtamps required to be ſtamped upon linens of the manufacture of *Great Britain* or *Ireland*, knowing ſuch linen to be foreign, every perſon ſo offending and convicted ſhall forfeit the linens, and 5 *l.* for each piece thereof ſo ſold, *&c.* or entered for exportation; to be recovered by bill, *&c.* in any court of record at *Weſtminſter*, the court of ſeſſion, court of juſticiary, or court of exchequer in *Scotland*, or in any court of record in *Dublin* reſpectively, wherein no eſſoin, *&c.* ſhall be allowed; and one moiety of the penalties ſhall be to the uſe of the King, and the other moiety to ſuch perſon as will ſue for the ſame: and in caſe it be a queſtion whether ſuch linens are of the manufacture of *Great Britain* or *Ireland*, or of any foreign country, the *onus probandi* ſhall lie upon the claimer of ſuch linen, or the defendant in ſuch action.

LX. *Sect.* 5. Nothing herein contained ſhall alter the method of ſtamping of linens of the manufacture of *Ireland* or *Scotland*, by virtue of any law now in force; but

but beſides the ſtamps herein before mentioned all ſuch linens ſhall be ſtamped as they ought to have been if this act had not been made.

Qu. *Whether this act is in force ſince the bounties given by* 15 Geo. 2. cap. 29. *and* 18 Geo. 2. cap. 25. *have expired:* See 26 *Geo.* 2. *cap.* 20. in the preamble.

LXI. **Stat.** 18 *Geo.* 2. *cap.* 27. *ſect.* 1. Every perſon who ſhall by day or night felonioufly ſteal any linen, fuſtian, callico, cotton, cloth, or cloth worked, woven, or made of any cotton or linen yarn mixed, or any thread, linen or cotton yarn, linen or cotton tape, incle, filleting, laces, or any other linen, fuſtian, or cotton goods laid to be printed, whitened, bowked, bleached or dried in any whitening or bleaching croft, lands, fields or grounds, bowking-houſe, drying-houſe, printing-houſe or other building or place made uſe of by any callico printer, whitſter, crofter, bowker or bleacher, for printing, whitening, bowking, bleaching or drying, to the value of 10*s.* or who ſhall aſſiſt or wilfully hire any other perſon to commit ſuch offence, or who ſhall buy or receive any ſuch goods ſo ſtolen, knowing the ſame to be ſtolen, being convicted, ſhall be guilty of felony, and ſhall ſuffer death.

LXII. *Sect.* 2. Provided that in caſe the judge or court before whom any ſuch offender is convicted, think it reaſonable that ſuch offender inſtead of ſuffering death ſhould be tranſported, it ſhall be lawful for ſuch judge or court, inſtead of giving judgment of death, to order ſuch offender to be tranſported to any of his Majeſty's plantations in *America*, for 14 years, as other felons are tranſported.

LXIII. *Sect.* 3. If any ſuch offender ſo ordered for tranſportation break gaol, or eſcape thereout before tranſportation, or return or be at large in *Great Britain*, without ſome lawful cauſe, before the expiration of the ſaid 14 years, being convicted, he ſhall ſuffer death, and have execution awarded as perſons attainted of felony without benefit of clergy.

LXIV. *Sect.* 4. This act ſhall commence from the firſt of *June* 1745. and from that time the act of 4 *Geo.* 2. *cap.* 16. ſhall be repealed.

LXV. **Stat.** 18 *Geo.* 2. *cap.* 36. *ſect.* 1. It ſhall not be lawful for any perſon to wear in *Great Britain*, in any apparel, any cambrick or *French* lawn, under the penalty of forfeiting to the informer 5 *l.* for every offence, being convicted by the oath of one witneſs before any juſtice of peace; which juſtice ſhall, upon any information upon oath of any ſuch offence within 6 days after commitment thereof, ſummon the party accuſed, and upon his appearance or contempt, proceed to examination of the fact; and upon proof either by confeſſion of the party, or by the oath of one witneſs, determine the ſame; and upon conviction cauſe the penalty, by warrant, to be levied by diſtreſs and ſale of the offender's goods; nevertheleſs it ſhall be lawful for the party aggrieved, to appeal to the juſtices of peace at the next general quarter ſeſſions for the county or place where the ſaid offence is committed (giving ſix days notice of ſuch appeal to the proſecutor) whoſe determination ſhall be final.

LXVI. *Sect.* 2. If any perſon after the 24th of *June* 1748. ſell or expoſe to ſale any cambricks or *French* lawns, made or not made up, (except for exportation only) and be convicted, he ſhall forfeit 5 *l.* to be levied as aforeſaid.

LXVII. *Sect.* 3. If any perſon be proſecuted for wearing any cambricks or *French* lawns, and diſcover upon oath before any juſtice of peace, the perſon who ſold ſuch cambricks or *French* lawns, ſuch perſon ſo diſcovering ſhall be diſcharged of all penalties for wearing ſuch cambricks or *French* lawns; and the perſon ſo ſelling ſuch cambricks or *French* lawns, ſhall be liable to the penalties.

LXVIII *Sect.* 4. No cambricks or *French* lawns ſhall be admitted to be imported into *Great Britain*, until after proof upon oath by the importer, or if a quaker by affirmation, at the time of entering the ſame, before the proper officer of the cuſtoms at the port of importation, either that the ſame are the ſole property of the importer, or of ſome other of his Majeſty's ſubjects, and that no alien hath any property therein; or if any alien hath any intereſt therein, then proof ſhall be given by the importer to the ſatisfaction of the aforeſaid officers of the cuſtoms, that the ſame were *bona fide* ſhipped for direct importation into *Great Britain* on or before the 10th of *May* 1745.

LXIX. *Sect.* 5. It ſhall not be lawful for any perſon to import into *Great Britain* any foreign cambricks or *French* lawns, unleſs bills of loading be produced for the

 ſame,

ſame, or ſuch other proof given to the commiſſioners of the cuſtoms, or to the chief officer of the cuſtoms at the port of importation, as they think ſufficient, that the ſaid cambricks or *French* lawns were *bona fide* ſhipped for direct importation, on or before the firſt of *Auguſt* 1745.

LXX. *Sect.* 6. It ſhall be lawful to import into *Great Britain* after the firſt of *Auguſt* 1746. any cambricks, *French* lawns, or other linen of the kind uſually entered under the denomination of cambricks, upon the importer making oath, or if a quaker affirmation, that they are intended for exportation only, and that they are *bona fide* the property of the importer, or of ſome other of his Majeſty's ſubjects, and that no alien hath any intereſt therein; and alſo giving bond to the ſatisfaction of the commiſſioners of the cuſtoms, or the chief officer thereof, at the port of importation, in double the value of the goods imported, to be aſcertained by the oath or affirmation of the importer, for payment of 5 *l.* for every piece of ſuch cambricks and *French* lawns which ſhall not be exported within three years after the entry of the ſame.

LXXI. *Sect.* 7. In caſe any pieces of cambrick or lawn ſo imported ſhall, by fire or other unavoidable accident, be loſt or deſtroyed, upon proof of ſuch loſs to the ſatisfaction of the commiſſioners of the cuſtoms, or of the chief officer thereof, at the port of importation, they ſhall remit to the importer the ſaid penalty of 5 *l.* payable for each piece not ſo exported as aforeſaid.

LXXII. **Stat.** 21 *Geo.* 2. *cap.* 26. *ſect.* 2. If any wearer of cambrick or *French* lawn who purchaſed the ſame after the 24th of *June* 1748. be proſecuted, and diſcover the ſeller, and that the ſame was ſold after the 24th of *June* 1748. ſo as ſuch ſeller be convicted, and become liable to the penalties of 18 *Geo.* 2. *cap.* 36. then and not otherwiſe ſuch wearer ſhall be diſcharged from any penalty inflicted by the ſaid act.

LXXIII. *Sect.* 3. Whenever any perſon informed againſt for wearing ſuch cambrick or *French* lawn is excuſed from the penalty by diſcovering the ſeller, the penalty on ſuch ſeller ſhall go to the perſon who informed againſt the wearer.

LXXIV. *Sect.* 4. Where the offender at the time of the offence or at the time of conviction be a feme covert living with her huſband, the penalties ſhall be levied on the goods of her huſband.

LXXV. *Sect.* 5. Any milliner, ſempſtreſs, or other perſon, who for hire, after the 24th of *June* 1748. makes up any cambrick or *French* lawn for any wearing apparel, ſhall be liable to the like penalties as the ſellers of cambrick or *French* lawn are liable to, by the 18 *Geo.* 2. *cap.* 26. to be levied and applied as is directed by this or the ſaid act.

LXXVI. *Sect.* 6. Where by this act an oath is required, the ſolemn affirmation of a quaker ſhall be taken in lieu thereof; and every inſtance of wilful and corrupt falſe affirming ſhall ſubject ſuch perſon to the ſame penalties as he would have been liable to if the ſame matter had been declared upon oath.

LXXVII. **Stat.** 24 *Geo.* 2. *cap.* 46. *ſect.* 1. All the duties now payable upon the importation of raw foreign linen yarns known by the name of *Dutch yarn* and *French yarn*, and of *Spruce* or *Muſcovia yarn*, and alſo upon the importation of bleached foreign linen yarns known by the name of *unwrought incle* and *ſhort ſpinnel*, and alſo upon the importation of all other raw and bleached foreign linen yarn, ſhall ceaſe.

LXXVIII. *Sect.* 2. In lieu of the ſaid duties there ſhall be paid to his Majeſty the reſpective duties following upon the importation of foreign linen yarns, *viz.*

For every pound weight of French, Dutch, Muſcovia *or* Spruce *raw linen yarn, one peny.*

And for every pound of bleached linen yarn known by the name of unwrought incle *or* ſhort ſpinnel, *of the manufacture of any place not belonging to the crown of* Great Britain, *three pence.*

And one peny for every pound of all other raw linen yarn.

And three pence for every pound of all other bleached linen yarn of the manufacture of any place not belonging to the crown of Great Britain.

LXXIX. *Sect.*

LXXIX. *Sect.* 3. The duties hereby granted ſhall be levied by the officers of the cuſtoms, under the management of the reſpective commiſſioners of the cuſtoms; and in the ſame manner, and with the ſame powers, and under the like regulations and penalties, as the duties hereby repealed.

LXXX. *Sect.* 4. All the monies ariſing by the duties hereby granted, ſhall be paid into the exchequer apart from all the branches of the public revenues, and ſhall be ſubject to the ſame uſes as the duties hereby repealed. *See* Par. XCIII.

LXXXI. **Stat.** 29 *Geo.* 2. *cap.* 15. *ſect.* 1. There ſhall be paid without fee or deduction, a bounty for every yard of *Britiſh* and *Iriſh* linens made of hemp or flax, and of the breadth of 25 inches or more, under the value of five-pence *per* yard, one halfpeny; and of the value of five-pence *per* yard and under the value of ſix-pence *per* yard, one peny; and of the value of ſix-pence *per* yard and not exceeding the value of eighteen-pence *per yard*, one peny halfpeny, which within 15 years from the 24th of *June* 1756. or before the end of the then next ſeſſion of parliament, ſhall be exported out of *Great Britain* to *Africa*, *America*, *Spain*, *Portugal*, *Gibraltar*, *Minorca*, or the *Eaſt Indies*; which bounty ſhall be paid upon demand to the exporter or ſeller for exportation, by the collector of the port from whence the ſame is exported, out of any monies in his hands ariſing from any of the duties received at ſuch port; and in caſe any collector of the cuſtoms in any out port in *South Britain*, or of any port in *North Britain*, have not money ſufficient to pay ſuch bounty, he ſhall if required, without fee, give to the perſon intitled to ſuch bounty a certificate under his hand, atteſted by the comptroller, certifying to the commiſſioners of the cuſtoms at *London*, if ſuch linens are exported from *England*, or to the commiſſioners of the cuſtoms at *Edinburgh*, if ſuch linens are exported from *Scotland*, that he hath not money ſufficient to pay the bounty, and alſo what is due for the ſame; and upon producing ſuch certificate, and the debenture of the linens exported, the reſpective commiſſioners of the cuſtoms ſhall cauſe to be paid, without fee, by the receiver-general or caſhier of the cuſtoms at *London* or *Edinburgh* reſpectively, to the perſon producing ſuch certificate and debenture the ſum ſo certified to be due, out of the monies ariſing from any duties, under the management of ſuch reſpective commiſſioners; and if the receiver-general or caſhier of the cuſtoms at *Edinburgh* have not ſufficient to pay the bounty ſo certified to be due, the commiſſioners of the cuſtoms at *Edinburgh*, or three of them ſhall, without fee, give ſuch exporter or ſeller for exportation a certificate certifying the ſame to the commiſſioners of the cuſtoms at *London*; which certificates being affixed to the debentures for the bounty of the linens ſo exported, and being produced to the commiſſioners of the cuſtoms at *London*, they ſhall on demand by ſuch exporter or ſeller, or perſon authorized to receive the ſame, bringing ſuch certificate and debenture, cauſe the money thereby certified to be due, to be paid by the receiver-general, or caſhier of the cuſtoms, without fee, out of the monies in his hands ariſing from any duties under the management of the ſaid commiſſioners at *London*.

LXXXII. *Sect.* 2. The exporter or ſeller for exportation ſhall, in his entry, expreſs the quantity and value, and endorſe on the cocquet granted upon ſuch entry, the quantity and value of the linens intended to be ſhipped; and ſhall before he receives ſuch bounty produce a certificate from the ſearcher or other officer appointed to ſee the ſame ſhipped, verifying the ſhipping thereof, and give ſecurity to the collector or cuſtomer of the port, in the penalty of double the value of the goods intended to be exported, and 100 *l.* (which ſecurity every ſuch collector or cuſtomer is to take in the name and to the uſe of his Majeſty) that ſuch linens ſo ſhipped or intended to be ſhipped, or any part thereof, ſhall not be relanded in any part of *Great Britain*, *Ireland* or *The Iſle of Man*; and ſhall alſo, before he receives any ſuch bounty, make oath of the value of ſuch linens, and that the ſame were made in *Great Britain* or *Ireland*.

LXXXIII. *Sect.* 3. It ſhall be lawful for any ſearcher, or other officer, after the entry of any linens as intitled to the ſaid bounty, and before or after the ſhipping thereof, to open and examine any bale or other package, to ſee if the goods are right entered and endorſed on the cocquet; and if the ſame be found to be right entered and endorſed, the ſearcher ſhall at his own charge cauſe the ſame to be repacked; which

charge

charge ſhall be allowed to the ſaid officer by the commiſſioners of the cuſtoms if they think it reaſonable.

LXXXIV. *Sect.* 4. If upon examination by the proper officers of the cuſtoms it appear that any piece of linen entered for exportation, as intitled to the bounty hereby granted, is of greater value than 1 *s.* 6 *d. per* yard, then the exporter, or ſeller for exportation ſhall, on demand in writing by the cuſtomer or collector and comptroller of the port where ſuch goods are entered, deliver ſo many pieces of ſuch linen as are demanded by the ſaid officer, into his Majeſty's warehouſe at the port of exportation, for the uſe of the crown; and upon ſuch delivery, the cuſtomer or collector of ſuch port, with the privity of the comptroller ſhall, out of any money in the hands of ſuch cuſtomer or collector ariſing by duties belonging to the crown, pay to ſuch exporter, or ſeller for exportation, the value of 1 *s.* 7 *d. per* yard, taking a receipt for the ſame, in full ſatisfaction for the ſaid goods; and the reſpective commiſſioners of the cuſtoms ſhall cauſe the ſaid goods to be publicly ſold for the beſt advantage; and out of the produce thereof, the money ſo paid ſhall be repaid to ſuch cuſtomer or collector, with the privity of the comptroller, to be replaced to ſuch funds from whence the ſame was borrowed; and if any overplus remain, after defraying the expences of ſuch ſale, one moiety of ſuch overplus ſhall be paid into the exchequer to be made part of the ſinking fund, and the other moiety to the officers who ſearched and examined ſuch linens.

LXXXV. *Sect.* 5. If any perſon enter for exportation any linen at any value not exceeding the value of 1 *s.* 6 *d. per* yard, and which, upon the examination of the officers of the cuſtoms is thought to be of greater value than 1 *s.* 6 *d. per* yard, and on demand in writing by the cuſtomer or collector and comptroller of the port where ſuch linen is entered for exportation refuſe to deliver ſuch linen into his Majeſty's warehouſe at ſuch port for the uſe of the crown, and to receive 1 *s.* 7 *d. per* yard for ſuch linen; or if the officers of the cuſtoms find any ſuch linen entered for exportation at the value of 6 *d. per* yard or above, not exceeding 18 *d. per* yard, to be under the value of 6 *d. per* yard; or entered at the value of 5 *d. per* yard or above, and not amounting to 6 *d. per* yard, to be under the value of 5 *d. per* yard; or if ſuch linen be leſs in quantity than expreſſed in the indorſement on the entry or cocquet, or not of the breadth of 25 inches; or if the ſame be entered and indorſed under a wrong denomination, whereby the ſaid bounty would have been fraudulently obtained; all ſuch linen ſo refuſed to be delivered, or under the value of 6 *d. per* yard, or 5 *d. per* yard reſpectively, or leſs in quantity than expreſſed in ſuch indorſement, or under the breadth of 25 inches, or entered and indorſed under a wrong denomination, and all the goods contained in all the package indorſed on the ſaid entry or cocquet, ſhall be forfeited and may be ſeized by any officer of the cuſtoms; and the owner ſhall loſe the benefit of receiving the bounty.

LXXXVI. *Sect.* 6. If any *Britiſh* or *Iriſh* linen for which the bounty has been given or claimed, be relanded in *Great Britain*, *Ireland* or *The Iſle of Man*, the ſame ſhall be forfeited; and every perſon concerned in relanding the ſame ſhall forfeit 1 *s.* for every yard ſo relanded.

LXXXVII. *Sect.* 7. Nothing in this act ſhall give any bounty on any linens that are ſtriped or checquered, or printed or painted, or made into buckrams or tilletings.

LXXXVIII. *Sect.* 8. No linen of the manufacture of *Ireland*, to be exported from *Great Britain*, ſhall be intitled to the bounty, unleſs ſuch linen be at the time of exportation the property of a perſon reſiding in *Great Britain*, or in ſome of his Majeſty's colonies in *America*; of which the exporter or ſeller for exportation is to make oath, before the proper officer of the cuſtoms of the port where ſuch *Iriſh* linen is entered for exportation.

LXXXIX. *Sect.* 9. The ſpecies of *Iriſh* linen made of flax and hemp, whereof the piece or bolt contains 38 yards in length and 24 inches in breadth, and cloths of different lengths and breadths, in proportion from number one to number ten incluſive, which weigh 15 *lb.* or upwards to 44 *lb.* as deſcribed in 9 *Geo.* 2. *cap.* 37. **Sail-cloth**, ſhall not be intitled to any bounty by this act.

XC. *Sect.* 10. All bonds and debentures made purſuant to this act, ſhall not be chargeable with any of the duties upon ſtampt vellum, *&c.*

XCI. *Sect.*

XCI. *Sect.* 11. If any perſon falſely make any oath by this act directed, and be convicted in any court of record in *Great Britain*, he ſhall forfeit 200 *l.* and be impriſoned for 12 months.

XCII. *Sect.* 12. The ſeizures and penalties in this act mentioned, ſhall be proſecuted by bill, *&c.* in any court of record at *Weſtminſter*, or in the court of exchequer in *Scotland* reſpectively, wherein no eſſoin, *&c.* ſhall be allowed; and one moiety of the ſaid ſeizures and penalties ſhall be to the uſe of the King, and the other moiety to ſuch perſon as will ſue for the ſame; and if in any ſuch ſuit it be a queſtion whether any ſuch linen is of the manufacture of *Great Britain* or *Ireland*, or of any foreign country, the *onus probandi* ſhall lie upon the exporter or ſeller for exportation.

XCIII. *Sect.* 13. After the 24th of *June* 1756. no duty ſhall be taken upon any raw or brown linen yarns made of flax and known by the names of *Dutch* yarn and *French* yarn, and of *Spruce* or *Muſcovia* yarn, or any other foreign raw or brown linen yarns made of flax, imported into this kingdom; but all ſuch linen yarns ſhall be imported duty-free, for 15 years from the ſaid 24th of *June*, or before the end of the then next ſeſſion of parliament. And in caſe any queſtion ariſe in reſpect of yarn imported duty-free, whether ſuch yarn be made of flax or not, the *onus probandi* ſhall lie upon the importer or claimer.

XCIV. *Sect.* 14. An entry ſhall be made of all ſuch foreign raw or brown linen yarns, at the cuſtom-houſe of the port into which the ſame is imported, in ſuch manner, and expreſſing the quantities and ſpecies of ſuch raw or brown linen yarns, as were uſed before this act; and ſuch yarn ſhall be landed in the preſence of the officers of the cuſtoms appointed for that purpoſe; and the importation ſhall be in ſhips built in *Great Britain*, *Ireland*, or his Majeſty's dominions in *America*, and navigated according to law; and if any perſon upon the importation of any foreign raw or brown linen yarn made of flax, perform not the ſaid conditions, he ſhall pay the ſame duties, as ſuch yarn would have been liable to if this act had not been made.

XCV. *Sect.* 15. If any action be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts.

XCVI. Stat. 32 *Geo.* 2. *cap.* 32. *ſect.* 1. No cambricks, *French* lawns, or other linens of the kind uſually entered under the denomination of cambricks, ſhall be imported into any place within *Great Britain*, unleſs the ſame be packed in bales, caſes, or boxes, covered with ſackcloth or canvas, each of which contains one hundred whole pieces, or two hundred half pieces.

XCVII. *Sect.* 2. In caſe any cambricks or *French* lawns be imported in any other manner or in any leſs quantity than before-mentioned, the cambricks or *French* lawns ſo imported, or found on board any veſſel in this kingdom, ſhall be forfeited, and may be ſeized by any officer of the cuſtoms.

XCVIII. *Sect.* 3. Cambricks and *French* lawns ſhall be imported for exportation only, and be lodged in ſuch warehouſe belonging to his Majeſty as the commiſſioners of the cuſtoms, or three of them appoint; and ſhall not be delivered out of ſuch warehouſe, but under the like ſecurity and reſtrictions as *Eaſt India* goods prohibited to be conſumed in *Great Britain*, are now liable to.

XCIX. *Sect.* 4. There ſhall be no duties paid or ſecured for any cambricks or *French* lawns imported and depoſited in ſuch warehouſe other than one half of the old ſubſidy, which is to remain after the goods are exported again.

C. *Sect.* 5. Every perſon having in their cuſtody any cambricks or *French* lawns imported before the firſt of *Auguſt* 1759, for the exportation whereof bond has been given, ſhall before the firſt of *Auguſt* next depoſit all ſuch cambricks and *French* lawns in ſuch warehouſe as aforeſaid, and upon depoſiting ſuch goods the bonds for exportation thereof ſhall be delivered up, and the perſon who gave the ſame ſhall receive from the collector of the cuſtoms at the port where ſuch bond was given, all the duties which ſuch goods would be intitled to draw back upon exportation; and ſuch goods ſhall not be again delivered out of the ſaid warehouſe but for exportation: in caſe any perſon ſell or expoſe to ſale, or have in his poſſeſſion for that purpoſe, any cambricks or *French* lawns (other than in ſuch warehouſe as aforeſaid) the ſame ſhall be forfeited, and ſhall be liable to be ſearched for and ſeized as other prohibited and

uncuſtomed goods are, and every ſuch perſon ſhall forfeit 200 *l.* over and above all other penalties inflicted by any former act.

CI. *Sect.* 6. If any doubt ariſe with reſpect to the ſpecies or quality of the goods ſeized by virtue of this act, or where the ſame were manufactured, the proof ſhall lie on the owner.

CII. *Sect.* 7. All the goods ſeized by virtue of this act, or any other cauſe of forfeiture, ſhall upon ſeizure be carried to the next cuſtom-houſe, and after condemnation ſhall not be uſed in this kingdom, but exported; and ſhall not be ſold or delivered out of ſuch warehouſe, otherwiſe than on condition to be exported, nor until the buyer have given ſecurity for the exportation thereof, and obſerving all the regulations preſcribed for the exportation of *Eaſt India* goods prohibited to be uſed in *Great Britain*.

CIII. *Sect.* 8. All the penalties and forfeitures by this act impoſed, may be recovered in any court of record at *Weſtminſter*, or in the court of *Exchequer* at *Edinburgh*, by action, *&c.* in the name of his Majeſty's attorney general, or in the name of his Majeſty's advocate in *Scotland*, or in the name of ſome officer of the cuſtoms; and one moiety ſhall be to his Majeſty, and the other moiety to ſuch officer who ſhall ſeize, inform, or proſecute.

CIV. *Sect.* 9. Upon every action, *&c.* for any pecuniary penalty impoſed by this act, a *Capias* in the firſt proceſs ſhall iſſue, ſpecifying the ſum of the penalty ſued for; and the defendant ſhall be obliged to give bail by natural-born ſubjects or deniſons to appear in the court out of which ſuch *Capias* iſſues, at the return of ſuch writ, to anſwer ſuch ſuit, and ſhall at the time of ſuch appearance give bail in the ſaid court, to anſwer and pay all the penalties incurred for ſuch offence in caſe he be convicted, or to yield his body to priſon.

CV. *Sect.* 10. If any action be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts.

London and Weſtminſter.

CVI. Stat. 14 *Geo.* 2. *cap.* 10. *ſect.* 1. It ſhall be lawful for every citizen and freeman of *London*, and every other perſon inhabiting within the ſaid city or liberties, and every perſon who rents or keeps any ſhop, ſhed, ſtall, or ſtand, or ſeeks a livelihood in the ſaid city or liberties which have any debt owing to him not exceeding 40 *s.* by any perſon inhabiting or ſeeking a livelihood within the ſaid city or liberties, during their reſpective inhabiting there, to cauſe ſuch debtor to be ſummoned by any of the bedels or officers of the court of requeſts, by writing left at the dwelling-houſe, lodgings, ſhop, ſhed, ſtall, or ſtand, or any other place of ſeeking a livelihood of ſuch debtor, or by any other reaſonable notice, to appear before the commiſſioners of the court of requeſts holden in the *Guild-hall* of the ſaid city. And the ſaid commiſſioners, or three of them, ſhall after ſummons have power by this act to ſet down ſuch orders between ſuch parties as ſtand with equity and good conſcience; all ſuch orders to be regiſtered in a book as they have been accuſtomed to be.

CVII. *Sect.* 2. If any perſon contemptuouſly affront any of the commiſſioners of the ſaid court during the time of their ſitting, it ſhall be lawful for the commiſſioners then ſitting, or three of them, to certify under their hands and ſeals the name of the perſon ſo offending, and the nature of his offence, to the lord mayor of *London*; who ſhall ſummon ſuch perſon before him; and upon his appearance, and the fact alledged being proved upon the oath of one or more witneſſes, or in default of his appearance, ſhall puniſh the perſon ſo offending by fine or impriſonment, or both; provided the fine do not exceed 20 *s.* and impriſonment be for no longer than 10 days.

CVIII. *Sect.* 3. Upon the non-payment of the ſaid fine it ſhall be lawful for the lord mayor to iſſue a warrant for levying the ſaid fine on the goods and chattles of every offender, and to cauſe ſale to be made thereof in caſe they be not redeemed in five days; which fine when levied ſhall be paid over to the church-wardens or overſeers of the poor of the pariſh, wherein ſuch offender at the time of ſuch offence inhabits or ſeeks a livelihood, towards the ſupport of the poor.

CIX. *Sect.*

CIX. *Sect.* 4. The number of bedels or officers employed in the execution of the orders of the ſaid commiſſioners, may, by the court of lord mayor and aldermen of *London* be enlarged to two or more, not exceeding four.

CX. *Sect.* 5. The act 3 *Jac.* 1. *cap.* 15. Par. XXI. and all things therein not hereby altered, ſhall continue in force, and extend to all perſons to whom this preſent act doth extend.

CXI. *Sect.* 6. If any action be brought for any thing done in purſuance of this act, or the act 3 *Jac.* 1. *cap.* 15. the action ſhall be brought within ſix months after the fact committed; and ſhall be laid in the city of *London*, and the defendant may plead the general iſſue; and if the plaintiff become nonſuited, *&c.* the defendant ſhall recover double coſts.

CXII. *Sect.* 7. This act ſhall be deemed a public act.

CXIII. **Stat.** 22 *Geo.* 2. *cap.* 49. *ſect.* 1. There ſhall be a free and open market held in the city of *Weſtminſter* for all ſorts of fiſh; and it ſhall be lawful for any perſon to buy or ſell any ſort of fiſh in the ſaid market without any diſturbance, paying ſuch ſums as are herein after-mentioned.

CXIV. *Sect.* 2. Lieutenant general *James Oglethorpe* and twenty-five others named in the act, ſhall be truſtees for putting this act in execution; and they or the ſurvivors of them, or five of them, are hereby inveſted with all the powers given by this act.

CXV. *Sect.* 3. There ſhall be paid to the ſaid truſtees, or ſuch perſon as they appoint, the following ſums by every perſon ſelling any fiſh in the ſaid market.

For each veſſel laden with ſalt fiſh, for groundage, eight pence for each day, and twenty pence for each voyage.

For each lobſter-boat, dogger-boat, ſmack, or other veſſel, laden with freſh ſea fiſh, two pence for each day for groundage, and thirteen pence each voyage.

For every oyſter-veſſel or cock two pence each day for groundage, one halfpenny for each buſhel for metage, and thirteen pence each voyage.

Which ſums ſhall be veſted in the ſaid truſtees, and diſpoſed of as is herein after directed; and it ſhall be lawful for the ſaid truſtees or ſuch perſon as they under their hands and ſeals at a general meeting appoint, to demand the ſums hereby granted, and to levy the ſame by diſtreſs of any boat or tackle belonging to the perſon liable to the payment, and to detain ſuch goods until ſuch ſums with the charges of diſtraining and keeping be paid; and ſuch perſon ſo diſtraining, after three days after ſuch diſtreſs taken, may ſell the goods, returning the overplus to the owner.

CXVI. *Sect.* 4. The truſtees may at a general meeting for that purpoſe by writing under their hands and ſeals aſſign over the ſaid ſums ariſing by this act, as a ſecurity for any ſum of money to be borrowed by them for the purpoſes of this act, with intereſt, not exceeding 5 *l. per cent. per annum.*

CXVII. *Sect.* 5. Out of the money ariſing by this act, or the money borrowed on the credit thereof, the truſtees at a public meeting ſhall in the firſt place pay all expences of paſſing this act, and in the next place the expences of laying out and erecting a place for the ſaid market, and in finiſhing and keeping the ſame in repair, and all other neceſſary expences.

CXVIII. *Sect.* 6. The ſaid truſtees may at any general meeting by writing under their hands and ſeals appoint a collector or collectors, and a treaſurer or treaſurers, and all other neceſſary officers, allowing to ſuch perſons reaſonable ſalaries: and the ſaid truſtees may remove ſuch treaſurers or collectors or other perſons, and place others in their ſtead; and the perſons ſo appointed to collect and ſuch treaſurers ſhall before the truſtees, upon the firſt *Monday* in every month, or oftner if required, give in an account under their hands of all monies received and diſburſed, and produce vouchers, and pay over ſuch balance to ſuch perſon as the truſtees at ſuch meeting direct; and in caſe ſuch treaſurers or collectors refuſe to give in ſuch account as often as required, ſuch perſon ſo refuſing ſhall be committed to the common gaol of the ſaid city and liberty, by warrant of any juſtice of peace for the city and liberty of *Weſtminſter*, upon application by two of the truſtees, until he render an account of his receipts and diſburſements,

diſburſements, and deliver up all vouchers, and have paid over the money due on ſuch account to ſuch perſon as the truſtees appoint.

CXIX. *Sect.* 7. The truſtees ſhall yearly within ſix weeks after the 25th of *December* deliver in to the juſtices of peace acting within the city of *Weſtminſter*, at any petty or ſpecial ſeſſions, an account entered in a book and ſigned by the truſtees or five of them, of all ſums received or diſburſed under this act, during the preceding year, with the balance in their hands: and ſuch accounts ſhall be kept by the clerk of the ſaid ſeſſions among the records, to be inſpected by any perſon upon payment of 1 *s.* to the ſaid clerk; and if any ſurplus of the ſaid ſums remain in the hands of the truſtees, the ſame ſhall be applied yearly, within twelve months after delivering ſuch accounts, in the binding out boys apprentices to fiſhermen, maſters of ſhips, or other perſons employed in the ſea ſervice; ſuch boys to be choſen by a majority of the truſtees at a general meeting.

CXX. *Sect.* 8. It ſhall be lawful for any perſon buying any fiſh in the ſaid market, to ſell the ſame again in any other place within the city of *Weſtminſter*, or elſewhere, being ſound and wholeſome fiſh.

CXXI. *Sect.* 9. After the 29th of *September* one thouſand ſeven hundred and forty-nine all contracts before that time made, and to take effect after the ſaid twenty-ninth of *September* one thouſand ſeven hundred and forty-nine, between any fiſhermen and fiſhmongers, or between any perſons in regard to the ſale of fiſh to be afterwards ſold by retail, ſhall be void; and all ſuch contracts made to take effect in part before the ſaid twenty-ninth of *September* one thouſand ſeven hundred and forty-nine, ſhall be void, ſo far as they be intended to take effect at any time ſubſequent to the ſaid 29th of *September* one thouſand ſeven hundred and forty-nine; and if after the 29th of *September* one thouſand ſeven hundred and forty-nine, any perſon enter into any contract for buying up fiſh to be ſold again by retale before ſuch fiſh be brought to an open market and there expoſed to public ſale, ſuch contract is declared to be void; and every party ſo contracting, as well the buyer as the ſeller, ſhall forfeit for every ſuch offence 50 *l.* to be levied in manner after-mentioned; one moiety to be paid to the truſtees appointed by this act, or their order, to be placed to the general account, and the other moiety to ſuch perſon as ſhall inform and ſue for the ſame.

CXXII. *Sect.* 10. If either of the parties ſo contracting, before any information againſt him, inform againſt the other, ſuch party ſo informing, ſo as ſuch other party may be duly convicted, ſhall not only be acquitted from the ſaid penalty, but alſo be intitled to ſue for in his own name, and recover, the whole forfeiture incurred by the other; one moiety to be paid to the truſtees, and appropriated as aforeſaid, and the other moiety to ſuch perſon who ſhall ſue for the ſame.

CXXIII. *Sect.* 11. Nothing in this act ſhall make void any contracts already made, or prevent any contracts to be made by any perſon in regard to freſh ſalmon or ſoles brought by land carriage, or to oyſters, or ſalt or dried fiſh.

CXXIV. *Sect.* 12. If any perſon, natives or foreigners, keep any fiſh at *Queenborough*, *Graveſend* or other place, in any well-boat, ſtore-boat, or any other manner, ſo as not to ſell off their whole cargo within eight days from their arrival on the *Britiſh* coaſt, between *North Yarmouth* and *Dover*, every perſon ſo offending, and convicted by confeſſion or the oath of one witneſs, ſhall for every ſuch offence forfeit his whole cargo of fiſh, and the veſſel with her furniture, to be levied by diſtreſs and ſale by warrant of any juſtice of peace for the county where the offence is committed; and the produce thereof ſhall be applied, one moiety to the uſe of the informer, and the other moiety to the poor of the pariſh where the offence is committed.

CXXV. *Sect.* 13. And whereas the commiſſioners for building a bridge croſs the *Thames* are poſſeſſed of a piece of ground near *Cannon Row* in the city of *Weſtminſter*, which is conveniently ſituate for the ſaid intended market; the ſaid commiſſioners are hereby impowered to make a grant of the ſaid piece of ground to the truſtees appointed by this act and their ſucceſſors, for holding the ſaid intended market; for which the truſtees ſhall pay the ſaid commiſſioners 5 *l.* as the purchaſe money.

CXXVI. *Sect.* 14. The property of all the buildings and the materials for making the ſaid market commodious, ſhall be veſted in the truſtees, and they are to bring actions

actions or prefer indictments againſt any perſon ſtealing or damaging ſuch building or materials.

CXXVII. *Sect.* 15. No truſtee ſhall accept of any place of profit ariſing out of any ſums by this act granted.

CXXVIII. *Sect.* 16. As often as any truſtee dies, or by writing under his hand refuſes to act, it ſhall be lawful for ſuch of the truſtees as remain or ſeven of them, at any general meeting, by any writing under their hands and ſeals to elect a perſon in the room of ſuch truſtee ſo dying or refuſing to act, and ſuch perſon ſo appointed ſhall be joined with ſuch remaining truſtees.

CXXIX. *Sect.* 17. The firſt meeting of the truſtees ſhall be on the ſecond *Monday* in *July* at the *King's Arms* in *New Palace Yard* in *Weſtminſter*; and they ſhall have power to adjourn their ſucceeding meetings, from time to time, and to ſuch places as they think fit.

CXXX. *Sect.* 18. All bonds, or other ſecurities entered into, for not ſuing or recovering any penalty incurred by this act, ſhall be void.

CXXXI. *Sect.* 19. All penalties inflicted by this act, if not otherwiſe directed to be recovered, ſhall be proſecuted by action of debt, *&c.* in any court of record at *Weſtminſter*; wherein no eſſoin, *&c.* ſhall be allowed; and ſuch forfeitures ſhall be applied (if not otherwiſe directed) one moiety to the perſon who informs or ſues for the ſame, and the other moiety to the poor of the pariſh where the cauſe of action ariſes. *See* 29 Geo. 2. cap. 39. ſect. 15. *infra.*

CXXXII. *Sect.* 20. If any action be commenced for any thing done in purſuance of this act, ſuch action ſhall be brought within ſix months after the fact committed; and ſhall be laid in the county or place where ſuch offence is committed; and the defendant may plead the general iſſue; and if the plaintiff become nonſuited, *&c.* the defendant ſhall recover treble coſts.

CXXXIII. **Stat.** 24 *Geo.* 2. *cap.* 48. *ſect.* 11. The ſolemnity of preſenting and ſwearing the mayors of *London* in the court of *Exchequer* at *Weſtminſter*, after every annual election, in the manner heretofore uſed on the 29th of *October*, ſhall be obſerved on the 9th of *November* in every year; unleſs the ſame fall on a *Sunday*, and then on the day following.

CXXXIV. **Stat.** 25 *Geo.* 2. *cap.* 30. *ſect.* 4. The annual admiſſion and ſwearing of the mayor of *London*, at the *Guild-hall* there, and all annual meetings for that purpoſe, ſhall be, in the accuſtomed manner, on the 8th of *November* in every year: being the day next preceding the 9th of *November* whereon the preſenting and ſwearing the mayor of the ſaid city in the *Exchequer* is appointed by 24 *Geo.* 2. *cap.* 48. *ſect.* 11.

CXXXV. **Stat.** 29 *Geo.* 2. *cap.* 25. *ſect.* 1. The dean of the collegiate church of St. *Peter Weſtminſter*, or the high ſteward of the city and liberty of *Weſtminſter*, or his deputy, (calling to his aſſiſtance the burgeſſes of the ſaid city and liberty of *Weſtminſter*, if the ſaid dean, or high ſteward or his deputy, think fit) ſhall at a court leet to be holden for the ſaid city and liberty, on *Tueſday* next following the feaſt of St. *Michael* the archangel in every year, appoint eighty perſons reſiding within the ſaid city and liberty, being artificers, or perſons uſing any trade of buying or ſelling (alehouſe-keepers, victuallers, or perſons retailing ſpirituous liquors, only excepted) to be conſtables for the city and liberty of *Weſtminſter*, being preſented thereto in manner after mentioned.

CXXXVI. *Sect.* 2. The conſtables appointed as aforeſaid, ſhall be choſen out of the ſeveral pariſhes in *Weſtminſter* as followeth; *viz.* There ſhall be yearly choſen out of the pariſh of St. *Margaret* fourteen, out of St. *John the Evangeliſt* four, out of St. *Martin in the Fields* fourteen, out of St. *George Hanover-ſquare* twelve, out of St. *James* fourteen, out of St. *Ann* eight, out of St. *Paul Covent Garden* ſix, out of St. *Clement Danes* ſix, and out of St. *Mary le Strand* two; and the conſtables ſo appointed ſhall take the uſual oath of office, and do all things appertaining to the office of a conſtable for one year, to commence from their appointment, or until other perſons be appointed in their ſtead, or ſhall find fit perſons to be approved of by the ſaid

court leet, to ſerve and take the oath of the office of conſtable as their deputies; ſuch other perſons not being alehouſe-keepers, victuallers, or perſons retailing ſpirituous liquors.

CXXXVII. *Sect.* 3. The ſaid dean of *Weſtminſter*, or the ſaid high ſteward or his deputy (calling to his aſſiſtance the burgeſſes of the ſaid city and liberty of *Weſtminſter*, if they think fit) ſhall iſſue out a precept within ſix weeks before the feaſt of St. *Michael* in every year, directed to the high bailiff of *Weſtminſter*, to impanel and return forty houſholders and traders reſiding within the ſaid ſeveral pariſhes in *Weſtminſter*, in the proportions before mentioned, and to ſummon ſuch perſons to appear at ſuch time and place as in ſuch precept directed: and out of the perſons ſo returned, the ſaid dean, or high ſteward or his deputy (calling to his aſſiſtance the burgeſſes of the ſaid city and liberty of *Weſtminſter*, if they think fit) ſhall at a court to be held by him for that purpoſe nominate ſo many as he thinks fit, not exceeding thirty, taking care that one or more be nominated out of each of the ſaid pariſhes; and the perſons ſo nominated ſhall be called *The Leet Jury*, and be ſworn to preſent to the ſaid court fit perſons to be choſen conſtables for the ſervice of the city and liberty of *Weſtminſter* for the year enſuing; *viz.* The ſaid jury ſhall preſent to ſerve as conſtables for the pariſh of St. *Margaret* twenty-eight, St. *John the Evangeliſt* eight, St. *Martin in the Fields* twenty-eight; St. *George Hanover-ſquare* twenty-four, St. *James* twenty-eight, St. *Ann* ſixteen, St. *Paul Covent Garden* twelve, St. *Clement Danes* twelve, and St. *Mary le Strand* four; out of which number ſo preſented the ſaid court ſhall, at the time and in the manner before directed, appoint eighty to be conſtables; and the perſons ſo nominated to be *The Leet Jury* ſhall continue in the ſaid office for one year, or till others are appointed and ſworn.

CXXXVIII. *Sect.* 4. In caſe any perſon ſummoned by the ſaid high bailiff, by any precept as aforeſaid, to take upon him the ſaid office of juryman, neglect to appear, or refuſe to take upon him the ſaid office, being thereunto appointed, or at any time refuſe to appear to preſent proper perſons to be conſtables, being ſummoned for that purpoſe, every ſuch perſon ſhall forfeit 40*s.* to be ſet by way of fine by the ſaid court.

CXXXIX. *Sect.* 5. All perſons preſented by the jury as fit perſons for the office of conſtable, ſhall by precepts from the ſaid court be ſummoned by the petty conſtables to whom ſuch precepts ſhall be directed, to appear at the ſaid court leet, to take upon them the ſaid office; and in caſe any perſon ſo ſummoned neglect to appear (proof being made of the ſervice of ſuch ſummons on oath) or refuſe to take upon him the office of conſtable, being thereunto appointed, or to find a fit perſon then to take upon him the ſaid office in his ſtead, every ſuch perſon ſhall forfeit 8 *l.* to be ſet by way of fine by the ſaid court.

CXL. *Sect.* 6. The ſaid dean, or high ſteward or his deputy, ſhall adjourn the ſaid court leet from time to time, as he thinks fit. And in caſe any conſtable die, remove out of the pariſh for which he was appointed, or be diſcharged from his office, he ſhall at ſuch adjourned courts, ſummon others, being firſt preſented by the jury; which ſaid jury, the ſaid dean, or high ſteward or his deputy, ſhall ſummon for that purpoſe, and appoint one or more of ſuch fit perſons to ſerve as conſtables in the ſtead of ſuch perſons as die, be removed, or diſcharged; and all perſons ſo ſummoned and appointed, are to appear and take upon them, or find other fit perſons to take upon them the ſaid office; on pain of the like penalties as are before inflicted upon perſons refuſing to appear, or to take upon them the execution of the office of conſtable, at the annual leet.

CXLI. *Sect.* 7. No perſon who hath ſerved or ſhall ſerve by himſelf or deputy, the office of conſtable, ſhall be preſented again to the ſaid office, or be appointed to ſerve the ſame in leſs than ſeven years after the end of ſuch former ſervice; and no perſon nominated and ſworn on the leet jury, and who hath ſerved or ſhall ſerve the ſaid office of juryman, ſhall be again appointed to ſerve the ſaid office, in leſs than ſeven years after the end of ſuch former ſervice.

CXLII. *Sect.* 8. The ſaid dean, or high ſteward, or his deputy, ſhall, at the ſaid court leet to be holden on *Tueſday* next after the feaſt of St. *Michael* yearly, appoint an able perſon, being an artificer, or uſing ſome trade of buying and ſelling, and not being an alehouſe-keeper, victualler or retailer of ſpirituous liquors, to be high conſtable

ſtable of the ſaid city and liberty of *Weſtminſter*, being duly ſummoned for that purpoſe, who ſhall take the uſual oath of office, and do all things appertaining to the office of high conſtable for one year, to commence from his appointment, or until another perſon be appointed in his ſtead; and in caſe of the death or removal of ſuch high conſtable, the ſaid dean, or high ſteward, or his deputy, ſhall at ſome adjournment of the ſaid court leet appoint another perſon to ſerve in his room.

CXLIII. *Sect.* 9. No perſon ſhall ſerve the ſaid office of high conſtable for more than three years together; and every perſon ſo ſummoned and appointed is to appear and take upon him the execution of the ſaid office of high conſtable, on pain of forfeiting 20*l.* to be ſet by way of fine.

CXLIV. *Sect.* 10. The ſaid dean, or high ſteward, or his deputy, the two chief burgeſſes of *Weſtminſter* and the other burgeſſes, or five of them, whereof the ſaid dean, high ſteward, or his deputy, or one of the ſaid two chief burgeſſes, to be one, ſhall twice in every year iſſue out their precepts under the common ſeal of their court directed to the high bailiff of *Weſtminſter*, to impanel and return eighty ſubſtantial houſholders and traders reſiding within the ſaid ſeveral pariſhes in *Weſtminſter*, in the proportions before mentioned, and to ſummon ſuch perſons to appear before them, at ſuch time and place as in ſuch precepts ſet forth; and out of the perſons ſo returned the ſaid dean, high ſteward, or his deputy, the ſaid two chief burgeſſes, and the other burgeſſes, or five of them, whereof the ſaid dean, high ſteward, or his deputy, or one of the two chief burgeſſes, to be one, ſhall, at a court to be held for that purpoſe, nominate ſo many as they think proper, not exceeding forty-eight, taking care that one or more be nominated out of each of the ſaid pariſhes; and the ſeveral perſons ſo nominated ſhall be called *The Annoyance Jury*, and ſhall take an oath to the effect following;

I A. B. *do ſwear, that I will diligently enquire and make true preſentment to this court of all ſuch public annoyances, and other offences, that ſhall be committed in* Weſtminſter *during the time of my continuance in the office whereunto I am now appointed; and that I will preſent no perſon or thing through hatred or malice, nor leave any unpreſented through love, favour or affection.*

So help me God.

CXLV. *Sect.* 11. In caſe any perſon ſummoned to take upon him the ſaid office of juryman neglect to appear, or refuſe to take upon him the ſaid office, being thereunto appointed, every perſon ſo offending ſhall forfeit 40*s.* to be ſet by the ſaid court by way of fine.

CXLVI. *Sect.* 12. The jury of annoyance to be appointed as aforeſaid, ſhall ſubdivide themſelves into ſmaller bodies, not being leſs than 12 in each body, and ſhall, as often as they be directed by the ſaid court, enquire into and preſent to the ſaid court, according to their oath, upon their own view and knowledge, all bad pavements, and all annoyances, obſtructions or encroachments upon any of the public ways or paſſages within the ſaid city or liberty; and ſhall give or leave notice in writing of their intention to preſent the ſame at the houſe to which ſuch defective pavements belong, or to the perſons who cauſe or ſuffer ſuch annoyances, *&c.* and if ſuch pavements are not amended, or ſuch annoyances, *&c.* removed within 14 days after ſuch notice, then the ſaid jury ſhall amerce the perſon inhabiting the ſaid houſe, or cauſing or ſuffering ſuch annoyances, *&c.* in ſuch ſums as they think proper, not exceeding 40*s.* for any one offence; and if any perſon abuſe or inſult any of the ſaid jury of annoyance, when they are in the execution of their office, or any way obſtruct them in executing the ſaid office, it ſhall be lawful for any juſtice of peace for *Weſtminſter*, upon the fact being proved upon the oath of two witneſſes, to fine ſuch perſon ſo offending in any ſum not exceeding 40*s.*

CXLVII. *Sect.* 13. Where the ſaid jury of annoyance ſhall upon their view find any bad pavement, belonging to any empty houſe within the ſaid city or liberty, or any annoyance before ſuch houſe, they ſhall preſent ſuch bad pavement, or ſuch nuiſance, to the ſaid court of burgeſſes, firſt leaving notice in writing on the door or other public part of ſuch empty houſe of their intention to preſent the ſame; and in caſe the owner within 14 days after ſuch notice cauſe not ſuch pavement to be amended,

or

or ſuch annoyance removed, then the ſaid court ſhall forthwith cauſe ſuch pavement to be repaired, or ſuch nuiſance to be removed; and the ſaid jury ſhall amerce the owner of ſuch houſe in ſuch ſum as by the order of the ſaid court is expended in making good ſuch defective pavement, or removing ſuch nuiſance, which amerciament ſhall be levied on the next tenant or occupier of the ground floor of ſuch houſe; and it ſhall be lawful for ſuch tenant who pays any ſum ſo amerced (if he pay the ſame voluntarily) to deduct out of his rent ſuch ſum.

CXLVIII. *Sect.* 14. The ſaid *Annoyance Jury* ſhall at all reaſonable times in the day-time enter into any ſhop, houſe, or warehouſe, within the ſaid city and liberty, belonging to any perſons that deal by weight or meaſure; and if the ſaid jury find any weight, balance or meaſure, to be unlawful or defective, they ſhall deſtroy the ſame, and amerce the perſon ſo offending in ſuch ſum as they think proper, not exceeding 40*s.* for any one offence.

CXLIX. *Sect.* 15. No perſon nominated on the *Annoyance Jury*, and who hath ſerved or ſhall ſerve the ſaid office of juryman, ſhall be again ſummoned to ſerve the ſaid office, in leſs than three years after the end of ſuch former ſervice.

CL. *Sect.* 16. In caſe the ſaid high bailiff or his deputy, or other officer acting under him, or under the order of the ſaid court, aſk or take any money or other gratuity for excuſing any perſon from appearing to ſerve, or for not ſummoning any perſon to ſerve the ſaid office of conſtable, or to ſerve on either of the juries aforeſaid, or on any other jury within the ſaid city and liberty of *Weſtminſter*; or if any perſon give any money, or other reward to any ſuch officer for excuſing him from ſerving or being ſummoned to ſerve the office of conſtable, or to ſerve on ſuch juries, it ſhall be lawful for any juſtice of peace for *Weſtminſter*, upon the fact being proved upon the oath of two witneſſes, to fine ſuch perſon ſo offending in any ſum not exceeding 40*s.*

CLI. *Sect.* 17. Upon the non-payment of any fine or amerciament impoſed by this act, the high bailiff of *Weſtminſter*, or his deputy or deputies, ſhall, by warrant from the ſaid court-leet, or by warrant under the common ſeal of the ſaid court of burgeſſes, or by warrant from the juſtices of peace before whom any ſuch perſon is convicted, levy ſuch fines and amerciaments by diſtreſs of the goods of the perſon fined, being then reſiant within the ſaid city or liberty of *Weſtminſter*, and cauſe ſale to be made thereof in caſe they be not redeemed within five days, rendering the overplus to the owner, after deducting the charges of diſtreſs and ſale; and if ſuch offender have not goods within the ſaid city and liberty, whereof ſuch fine can be levied, upon non-payment it ſhall be lawful for any juſtice of peace by warrant to commit ſuch offender to one of his Majeſty's gaols within the city or liberty of *Weſtminſter*, for ten days, unleſs he ſooner pay the ſaid fine or amerciament.

CLII. *Sect.* 18. All fines impoſed by virtue of this act ſhall be paid by the high bailiff of *Weſtminſter* or other perſon into whoſe hands the ſame come, within 14 days next after the receipt thereof, to the overſeers of the poor of the ſeveral pariſhes in *Weſtminſter* reſpectively, out of which the ſame are recovered, who ſhall give a receipt for the ſame; and the ſaid overſeers are to apply the ſaid fines to the ſame uſes that the poor rates in the ſaid pariſhes are applied; and ſhall account upon oath for the ſame at the time and in the manner they account for all other ſums that come into their hands; and all amerciaments impoſed by the ſaid *annoyance jury*, and recovered by virtue of this act, ſhall be applied in manner following, *viz.* the ſaid high bailiff ſhall be intitled to one moiety, and the other moiety ſhall be applied by the ſaid court of burgeſſes to pay the expences of the execution of this act.

CLIII. *Sect.* 19. If any ſuit be brought for any thing done in purſuance of this act, the action ſhall be commenced within ſix months next after the fact committed; and ſhall be brought in *Middleſex*, except the perſon againſt whom ſuch action is brought reſide in *London*; in which caſe, the ſaid action ſhall be brought in *London*; and the defendant may plead the general iſſue; and if the plaintiff become nonſuit, *&c.* the defendant ſhall recover treble coſts.

CLIV. *Sect.* 20. This act ſhall not extend to the church or college of *Weſtminſter*, nor to the cloſe of *Weſtminſter*, nor to any perſon inhabiting within the precinct of the ſaid church, college or cloſe, for any offence committed by them within the ſaid precinct.

CLV. **Stat.** 29 *Geo.* 2. *cap.* 39. *ſect.* 1. If any fiſherman, maſter or owner of any fiſhing veſſel, coming from ſea, or other perſon having the conduct of ſuch fiſhing veſſel, natives or foreigners, employed either in catching, bringing or vending of fiſh for the ſupply of *London* and *Weſtminſter*, break bulk, or make ſale of any part of their fiſh, between *Harwich* and the *Nore*, or between *Margate* and the *Nore*, to any perſon to ſell again, or keep any ſhell fiſh or other fiſh in their fiſhing veſſel, or in any well-boat or ſtore-boat, after their arrival, ſo as not to ſell off their whole cargo within eight days from the day of their arrival at the *Nore*, and thereof be convicted before a juſtice of peace for the counties of *Kent* or *Eſſex*, or before the mayor, recorder, or ſuch aldermen who have power to act as juſtices of peace within the corporations of *Queenborough* or *Graveſend*, on his own confeſſion under his hand, or on the oath of one witneſs (which conviction ſhall be final and without any appeal) ſuch fiſhing veſſel, ſtore-boat or other boat into which the ſaid fiſh are unloaded, with all furniture, together with the whole cargo of fiſh, ſhall be forfeited by the owners; ſuch forfeitures to be levied by diſtreſs and ſale, by warrant of any juſtice of peace within the counties of *Kent* or *Eſſex*, or of the ſaid mayor, recorder or aldermen acting as magiſtrates within the towns of *Queenborough* and *Graveſend*, or ſuch mayor, recorder or aldermen of any other corporate town between *Queenborough* and *Graveſend*, and *Weſtminſter*; which warrant the ſaid juſtice or mayor, *&c.* is to iſſue accordingly, directed to the high conſtable, petty conſtable, headborough or tythingman of either of the ſaid towns of *Queenborough* or *Graveſend*, or any other towns as aforeſaid, near unto where any ſuch offences be committed, or where ſuch fiſhing veſſel, ſtore-boat or other boat, then is, to ſeize and ſell the ſame within 14 days; and one moiety of the produce of ſuch ſale, after charges deducted, ſhall be paid to the informer or informers as the ſaid juſtices appoint, and the other moiety to the truſtees appointed to put the 22 *Geo.* 2. *cap.* 49. and this act in execution, to be placed by them, or five of them, or their order, to the general account of ſurplus of profits ariſing from the fiſh market in the ſaid act mentioned, and to be appropriated as the ſaid ſurplus.

CLVI. *Sect.* 2. In caſe any ſuch fiſhing veſſel is loaded with lobſters, or whoſe part-loading may be lobſters, and the fiſhermen, or other perſons, natives or foreigners, who are owners of ſuch lobſters, or have the power to ſell the ſame, ſell off her whole cargo of lobſters within 12 days after the arrival of ſuch veſſel at the place herein before appointed, and in all other reſpects conform to the directions of the 22 *Geo.* 2. *cap.* 49. and this act; then the ſale of the whole cargo of lobſters ſhall be as good a ſale as if ſuch ſale had been completed within eight days.

CLVII. *Sect.* 3. It ſhall be lawful for every fiſherman, maſter or owner of any fiſhing veſſel coming from ſea, and every perſon having the conduct of any ſuch fiſhing veſſel, as often as need requires during their voyages at ſea, and before their arrival at the *Nore*, to remove any part of their cargoes of fiſh into any other veſſel, for the eaſe of their wells, the preſervation of their fiſh, and the ſeparating ſuch as are dead, dropt or ſickly, from thoſe which are ſound; ſo that no part of ſuch cargo of fiſh be ſold until their arrival at or above the *Nore*.

CLVIII. *Sect.* 4. It ſhall be lawful for any fiſherman or owner of any peter-boat, or other ſmall fiſhing veſſel employed for ſerving the inhabitants of any city, town or village, or the neighbourhood thereof, on or near the banks of the ſaid river, between the mouth of the river and the towns of *Queenborough* or *Graveſend*, to ſell their fiſh as hath been heretofore uſed, in caſe ſuch boats or fiſhing veſſels are only employed for the conſumption of ſuch fiſh within ſuch city, towns or villages, and the inhabitants thereof, or of the neighbourhood.

CLIX. *Sect.* 5. The truſtees for putting the ſaid former and this act in execution, or nine of them, ſhall by writing under their hands and ſeals appoint one or more inſpectors of the fiſhing veſſels, to ſearch every fiſhing veſſel, well-boat or ſtore-boat, belonging to any fiſherman, or other perſon, natives or foreigners, at any time after the arrival of any fiſhing veſſel at the *Nore*, or in any part of the *Thames* between the *Nore* and *Billingſgate Dock*, to take account, as well of the arrival of ſuch veſſel as of the time of ſelling the whole cargo of fiſh, and of the breaking bulk and unloading ſuch veſſel, and ſhifting the cargo or any part thereof, into ſuch well-boats, and of the delivery or ſelling off ſuch cargo in ſuch manner as directed by the 22 *Geo.* 2

cap. 49. or this act; and remove ſuch officers at their pleaſure; which inſpectors are to enter and examine ſuch fiſhing veſſels, well-boats and ſtore-boats; and every perſon on board is to give to the ſaid inſpector ſuch account thereof; and in caſe any perſon refuſe to give ſuch account, or moleſt or hinder ſuch inſpector in the execution of his office, or endeavour to prevent any perſon on board from giving ſuch account, every perſon ſo offending, being convicted before a juſtice of peace, as in this act deſcribed as aforeſaid, by confeſſion or on the oath of one witneſs, ſhall for every ſuch offence forfeit 10*l.* to be recovered and applied as the other penalties in this act.

Sect. 6. & 7. *are repealed by* 33 Geo. 2. cap. 27. ſect. 1. **Fiſh.**

By ſect. 6. it was enacted, *that* 1 s. 6 d. *out of every* 2 s. *paid to the ſearchers at* Graveſend, *for entering the arrival of fiſhing veſſels at the* Nore, *ſhould be paid over to the truſtees of the fiſh-market at* Weſtminſter; *and ſhould be applied by them to pay the inſpectors of the fiſhing veſſels ſuch yearly ſum as nine truſtees ſhould think fit; and the ſurplus to be applied as the ſurplus ariſing from the tolls and duties of the* 22 Geo. 2. cap. 49. Par. CXXX. *And by* 33 Geo. 2. cap. 27. ſect. 2. **Fiſh,** 1 s. 6 d. *out of every* 2 s. *paid to the clerk of the coaſt office in the port of* London *for the like entries, is to be paid over and applied in the ſame manner.*

CLX. *Sect.* 8. It ſhall be lawful for the high conſtable, petty conſtable, headborough or tythingman of *Queenborough*, *Graveſend*, or any other towns being corporations, or of any county, city or liberty, to whom ſuch warrant of diſtreſs is directed, to execute the ſame in any part of the river *Medway* or river *Thames*, or any creek thereof between the *Nore* and the city of *Weſtminſter*; and ſuch warrant or other act of the ſaid mayors, recorders, aldermen or juſtices of peace, and the acts of the conſtable, headborough, tythingman or other perſon in obedience to ſuch warrant, ſhall be as good in law as if the ſame were executed within the proper limits of their own juriſdiction.

CLXI. *Sect.* 9. If any perſon ſell or expoſe to ſale, in any houſe, ſhop, ſtall or ſtanding, any fiſh, within 500 yards of the ſaid free fiſh-market appointed to be held in the city of *Weſtminſter*, or the limits of ſuch ground as hath been appointed by the ſaid act for the ſame, without the licence of the ſaid truſtees appointed to put the ſaid act and this act in execution, or five of them, under their hands and ſeals firſt obtained, ſuch perſon ſhall for every ſuch offence, forfeit 5*l.* to be paid on conviction before any two juſtices of peace for *Weſtminſter*, on confeſſion or on the oath of one witneſs without further appeal; with power nevertheleſs to ſuch juſtice or juſtices of mitigating the ſame; and on refuſing payment on ſuch conviction, then ſuch juſtice or any other juſtice of peace ſhall grant their warrant of diſtreſs, to levy the ſame upon ſuch offender's goods, and divide the ſum wherein ſuch offender ſtands convicted, as follows, *viz.* one half to the informer, and the other half to the truſtees appointed by the ſaid act, to be applied to the ſame uſe as the ſurplus monies ariſing by the profits of the market.

CLXII. *Sect.* 10. And whereas the ſaid truſtees have granted a leaſe to *Richard Hughes*, of part of the aſſigned ground for the ſaid fiſh market, wherein the ſaid *Richard Hughes* hath built eight houſes: And he is reſtrained by the ſaid leaſe from letting the ſaid houſes to any other than fiſhmongers; and even ſuch fiſhmongers are in danger of incurring the penalties againſt regrators, ſhould they expoſe to ſale again in their ſhops, any fiſh bought in the ſaid market; be it enacted, that it ſhall be lawful for the ſaid truſtees, or nine of them, by writing under their hands and ſeals, to diſpenſe with ſuch reſtraint, and to defeazance the covenant of the ſaid *Richard Hughes* ſo far as it reſpects to two end houſes of the ſaid eight houſes; and it ſhall be lawful for any fiſhmongers holding ſhops for the ſale of fiſh in any of the ſaid eight houſes, to ſell any fiſh in their ſaid ſhops, although they have bought the ſame in the ſaid fiſh-market at *Weſtminſter*.

CLXIII. *Sect.* 11. And whereas *William Hanington* fiſhmonger hath purchaſed a meſſuage in *Bridge-ſtreet* in *Weſtminſter*, within 500 yards from the ſaid fiſh market, and will be a ſufferer if he ſhould be reſtrained from carrying on his trade in the ſaid houſe, the ſaid truſtees, or five of them, ſhall pay to the ſaid *William Hanington*, his executors or adminiſtrators, before *Michaelmas Day* next, 200*l.* for the loſs he may ſuſtain.

CLXIV. *Sect.* 12. The ſaid *William Hanington* ſhall not be ſubject unto any penalties inflicted by this act on ſuch perſons as ſell fiſh within 500 yards of the ſaid fiſh market, until *Michaelmas Day* next, and until ſuch time as the ſaid 200*l.* be paid unto him.

CLXV. *Sect.* 13. It ſhall be lawful for the ſaid truſtees, or ſeven of them, at a public meeting, by writing under their hands and ſeals to aſſign over any annual or other rent or ſums of money, reſerved or made payable by any grant, leaſe or agreement between the ſaid truſtees and any perſon, for the ground and premiſſes aſſigned for holding the ſaid fiſh market or any part thereof, or any building thereon, as a ſecurity for ſuch ſums of money as the ſaid truſtees borrow for the purpoſes of the ſaid act and this act, with intereſt not exceeding five *per cent. per annum*; and the ſaid truſtees ſhall apply the money which they ſo borrow to the diſcharge of debts contracted in executing the ſaid act, and in paying to the ſaid *William Hanington*, his executors or adminiſtrators, ſuch ſum of 200*l.* and for ſuch uſes as the ſaid truſtees are impowered by this or the ſaid act to apply ſuch monies as might ariſe by tolls and duties.

CLXVI. *Sect.* 14. So much of the ſaid act 22 *Geo.* 2. *cap.* 49. *ſect.* 21. as gives allowance for the expoſing to ſale or exchanging any of the kinds of fiſh therein deſcribed, and under the dimenſions prohibited by 1 *Geo.* 1. *cap.* 18. *ſect.* 7. Fiſh, in caſe the ſame are taken with a hook ſhall be repealed.

CLXVII. *Sect.* 15. Such part of the penalties which by the 22 *Geo.* 2. *cap.* 49. are to be paid to the poor of the pariſh where the offence is committed, ſhall be paid to the truſtees mentioned in the ſaid act, or ſuch perſon as five of them appoint, to the increaſe of the ſurplus of the tolls and profits thereby appropriated to the putting out apprentices to fiſhermen, maſters of ſhips, or other perſons employed in the ſea ſervice. And all the truſtees appointed under the authority of the ſaid act ſhall execute this as well as the ſaid act; and all clauſes in the ſaid act ſhall ſtand in force, except ſuch parts as are altered by this act.

CLXVIII. *Sect.* 16. If any action be commenced for any thing done in purſuance of this act, ſuch action ſhall be brought within ſix months next after the fact committed, and ſhall be brought in the county or place where ſuch offence is committed; and the defendant may plead the general iſſue; and if the plaintiff become nonſuited, *&c.* the defendant ſhall recover treble coſts.

CLXIX. **Stat.** 31 *Geo.* 2. *cap.* 17. *ſect.* 1. All pavements within the city and liberty of *Weſtminſter*, belonging or oppoſite to churches, or other public buildings or grounds, which are the property of any pariſh, and which ought to be repaired by ſuch pariſh, ſhall be kept in repair, and all annoyances belonging thereto be removed, by the churchwardens of ſuch pariſh; and all pavements belonging or oppoſite to markets ſhall be kept in repair, and all annoyances belonging thereto be removed, by the proprietors of ſuch markets, their agents or leſſees; and all pavements belonging or oppoſite to hoſpitals, alms-houſes, charitable foundations, and all other public buildings, not being the property of any pariſh, ſhall be repaired, and all annoyances belonging thereto be removed, by the principal officer or perſon reſiding in ſuch buildings reſpectively, who are hereby declared the occupiers thereof; and all pavements belonging or oppoſite to grounds, or adjoining to any wall or fence, where no houſes are built, ſhall be repaired, and all annoyances belonging thereto be removed, by the owners of ſuch grounds, or other perſons who of right ought to repair ſuch pavements, or remove ſuch annoyances. And the annoyance jury appointed by the 29 *Geo.* 2. *cap.* 25. or any 12 or more of them ſhall preſent all bad pavements, and all annoyances belonging or oppoſite to all ſuch buildings, places and grounds, firſt leaving notice in writing with ſuch churchwardens, proprietors of markets, their agents or leſſees, principal officers, or perſons reſiding in ſuch buildings, or owners of ſuch grounds, or affixing the ſame upon ſome public part of ſuch buildings, or on the walls or fences of ſuch grounds, where any defective pavements or annoyances are found, of their intention to preſent the ſame; and in caſe ſuch churchwardens, *&c.* within 14 days next after ſuch notice, cauſe not ſuch pavements to be amended, and annoyances to be removed, then the ſaid jury ſhall amerce the ſaid churchwardens, *&c.* in ſuch ſum as they think proper, not exceeding 40*s.* for one offence.

CLXX. *Sect.*

CLXX. *Sect.* 2. All tenants or occupiers of houſes, buildings or grounds, within the ſaid city and liberty, ſhall be liable to repair the pavements belonging or oppoſite to any ſuch houſes, *&c.* and it ſhall be lawful for all tenants to deduct out of their rent all ſums expended in repairing ſuch pavements, according to notice to be given for that purpoſe by the annoyance jury; except where tenants are by any covenant or agreement to keep ſuch pavements in repair at their own expence.

CLXXI. *Sect.* 3. When any perſon belonging to or employed by any of the proprietors of water-works, or any perſon employed by them, breaks, takes up, or damages any pavement within the ſaid city and liberty, ſuch perſon ſhall cauſe the ſame to be relaid or repaired as ſoon as may be, with durable ſtone and gravel and in a ſubſtantial manner; and in caſe they do not relay or repair ſuch pavement with all convenient ſpeed, and to the ſatisfaction of the perſon to whom the ſame belongs, ſuch perſon may at any time within 14 days next after ſuch pavement has been broken up or damaged, apply to the foreman or to any one of the annoyance jurymen of the diviſion for the pariſh wherein ſuch pavement is, who together with ſix or more of the jurymen for that diviſion ſhall view the premiſſes; and if upon their view it appear that ſuch pavement hath not been relaid in due time, or in the manner before directed, the ſaid jurymen ſhall direct the perſon to whom ſuch pavement belongs, or who is liable to repair the ſame, to cauſe the ſame to be relaid or repaired; and when ſuch pavement has been relaid or repaired according to the direction of the ſaid jurymen, the perſon to whom ſuch pavement belongs, and who cauſed ſuch pavement to be relaid or repaired, may apply to a court, to be held by the dean of *Weſtminſter*, or the high ſteward of the city and liberty of *Weſtminſter*, or his deputy, the two chief burgeſſes of *Weſtminſter*, and the other burgeſſes, or five of them, whereof the dean, high ſteward or his deputy, or one of the two chief burgeſſes, to be one; and the ſaid court are to examine into the premiſſes upon oath; and the ſaid jury, or 12 of them, ſhall at the ſaid court amerce any other perſon belonging to or employed by any of the proprietors of water-works, upon whoſe account ſuch pavement has been broken up or damaged and not relaid or repaired, in ſo much money as appears to the ſaid court to be juſtly expended in relaying or repairing ſuch pavements; and in a further ſum not exceeding 40*s.* nor leſs than 20*s.* for every ſuch neglect; which money ſo expended in relaying or repairing ſuch pavement, ſhall when recovered be forthwith paid by the ſaid court to the perſon who cauſed ſuch pavement to be relaid or repaired, according to the direction of the ſaid jurymen.

CLXXII. *Sect.* 4. No ſuch amerciament ſhall be impoſed upon any ſuch perſon aforeſaid, unleſs three days notice in writing have firſt been given by the ſaid court to ſuch perſon.

CLXXIII. *Sect.* 5. No perſon belonging to any company of water-works ſhall break up or damage any pavement within the ſaid city and liberty, without firſt giving notice in writing, by what company of water-works he is employed, to the proprietor or occupier of the houſe, ground, wall or building to which ſuch pavement belongs, or by affixing ſuch notice upon ſome conſpicuous part of ſuch houſe, *&c.* where the proprietor or occupier cannot be found; and in caſe any ſuch perſon break up or damage any pavement without giving ſuch notice, every ſuch perſon ſhall be amerced by the ſaid jury in any ſum not exceeding 40*s.* for every offence.

CLXXIV. *Sect.* 6. When the ſaid annoyance jury upon their own view and knowledge find any annoyances, obſtructions or encroachments, upon any of the public ways within the ſaid city and liberty, of ſuch a nature as to require as ſpeedy removal as may be, or which can be removed within a leſs time than 14 days, it ſhall be lawful for the ſaid jury, by an order in writing left at the houſe of the perſon who cauſed or ſuffered ſuch annoyance, *&c.* to direct ſuch perſon to remove the ſame within a reaſonable time ſpecified in ſuch notice; and if all ſuch annoyances, *&c.* be not removed within ſuch time, the ſaid jury ſhall amerce the perſon cauſing ſuch annoyances, *&c.* in ſuch ſum as they think proper not exceeding 40*s.* for one offence.

CLXXV. *Sect.* 7. No perſon ſhall ſet up or cauſe to be ſet up in any of the public ſtreets, lanes or paſſages within the ſaid city and liberty, any hourd or fence, without a licence under the common ſeal of the ſaid court firſt obtained; in which licence ſhall be expreſſed the length and breadth of ſuch hourd or fence, and alſo the time the ſame

ſhall

ſhall be allowed to continue; which licences the ſaid court are to grant to all perſons applying, at the diſcretion of the ſaid court; and no more than 5 *s.* ſhall be paid for each licence: And if any perſon erect or cauſe to be erected, any hourd or fence within the limits aforeſaid without ſuch licence, or not agreeable to the directions thereof, or ſuffer any materials for building to remain on the outſide of any hourd or fence above 48 hours, every perſon offending in any of the caſes aforeſaid, ſhall be amerced by the ſaid jury in a ſum not exceeding 40 *s.* for every ſuch offence.

CLXXVI. *Sect.* 8. Provided that ſuch licences be not conſtrued to extend to be a defence to any proſecution for a nuiſance.

CLXXVII. *Sect.* 9. All weights and meaſures made uſe of by perſons dealing by weight or meaſure, within the ſaid city and liberty, ſhall be ſized and ſealed by the ſtandards belonging to the ſaid city, and alſo marked with a port-cullis by the officer already appointed for that purpoſe, or by ſuch other officer as may hereafter be appointed by the ſaid dean, high ſteward or his deputy, the two chief burgeſſes, and the other burgeſſes of *Weſtminſter*, or any five of them, whereof the ſaid dean high ſteward or his deputy to be one, at a court to be held for that purpoſe; which officer is upon application to ſeal and mark all weights and meaſures brought to him, which be agreeable to the ſtandards belonging to the ſaid city; and the ſaid officer ſhall receive for each weight and meaſure ſo ſealed and marked, the fees following, *viz.* for every buſhel 4 *d.* for every half buſhel 2 *d.* for every peck, half peck and quarter peck 1 *d.* for all half pecks or quarter pecks *per* dozen 10 *d.* for every ſack 2 *d.* for every ale and beer meaſure one farthing, for every one hundred weight 4 *d.* for every half hundred weight 2 *d.* for all pound weights and all other weights under half a hundred weight one halfpenny, for all ounce weights and all other weights under a pound one farthing: And all weights and meaſures belonging to perſons dealing by weight or meaſure within the ſaid city and liberty, not ſealed and marked in manner before directed, ſhall be deemed unlawful; and the ſaid annoyance jury, or any 12 of them, ſhall deſtroy all ſuch unlawful weights and meaſures, and amerce the owners or the perſons in whoſe poſſeſſion the ſame be found, in any ſum not exceeding 40 *s.* for any one offence.

CLXXVIII. *Sect.* 10. The officer already appointed or to be appointed as aforeſaid, after all neceſſary charges attending the ſizing ſealing and marking ſuch weights and meaſures firſt deducted, ſhall half-yearly, within one calendar month next after the 25th of *March* and the 29th of *September* in every year, pay or cauſe to be paid to the deputy ſteward of *Weſtminſter* for his trouble and expence in attending his office of deputy ſteward of *Weſtminſter*, one moiety of the clear money ariſing from ſuch ſizing, ſealing and marking.

CLXXIX. *Sect.* 11. If any annoyance juryman neglect or refuſe to execute the duty of his office of juryman, it ſhall be lawful for the ſaid court upon complaint to fine ſuch juryman for every ſuch offence, in any ſum not exceeding 40 *s.*

CLXXX. *Sect.* 12. The high conſtable for the ſaid city and liberty is to obey all lawful orders which he receives from the ſaid dean, high ſteward or his deputy, at any court holden for the ſaid city and liberty; and all petty conſtables are to be aſſiſting to the high conſtable in the execution of all ſuch orders; and if the ſaid high conſtable, or any petty conſtable, refuſe or neglect to obey ſuch orders, or miſbehave in their reſpective offices, the ſaid court ſhall fine any high and petty conſtable ſo offending, in any ſum not exceeding 40 *s.* for every ſuch offence.

CLXXXI. *Sect.* 13. No perſon within the ſaid city or liberty of *Weſtminſter*, ſhall be liable to ſerve as a conſtable, or to find a perſon to ſerve in his ſtead, who is of the age of 63 years or upwards; nor ſhall any perſon be liable to ſerve either as a leet or annoyance juryman, who is of the age of 70 years or upwards.

CLXXXII. *Sect.* 14. The ſaid dean, high ſteward or his deputy, ſhall adjourn the court-leet held for the ſaid city and liberty, from time to time, as often as convenient: and if any leet juryman appointed or to be appointed by virtue of the 29 *Geo.* 2. *cap.* 25. neglect to attend the ſaid court leet as often as required by the ſaid court, or in any other manner neglect the duty of his office of juryman, it ſhall be lawful for the ſaid court leet to fine ſuch juryman for every ſuch offence, in any ſum not exceeding 40 *s.*

CLXXXIII. *Sect.* 15. The ſaid high bailiff, or his deputy or deputies, ſhall forthwith execute all warrants which they receive, for levying any fine impoſed for any offences againſt the ſaid act or this act, from the ſaid court leet, or from the ſaid court of burgeſſes, or from any juſtice of peace before whom any perſon may be convicted for any offence againſt the ſaid acts; and in caſe the ſaid high bailiff, or his deputy or deputies, neglect to execute any ſuch warrant, or to pay over all ſuch fines as he receives by virtue of any ſuch warrant, according to the ſaid act or this act, it ſhall be lawful for the ſaid court leet, or court of burgeſſes reſpectively, to fine ſuch high bailiff, or his deputy or deputies, ſo offending, in any ſum not exceeding 5 *l.* for every ſuch offence; and if any fine impoſed upon the ſaid high bailiff, or his deputy or deputies, by the ſaid court leet, or court of burgeſſes, remain unpaid for one calendar month next after the ſame is ſo impoſed, the high conſtable of the city and liberty of *Weſtminſter* ſhall by any warrant from the ſaid court leet, or court of burgeſſes reſpectively, directed to him for that purpoſe, levy ſuch fine ſo impoſed on the ſaid high bailiff, or his deputy or deputies, by diſtreſs of the goods of the ſaid high bailiff, or his deputy or deputies, and cauſe ſale to be made thereof, in caſe they be not redeemed within five days next after ſuch diſtreſs made, rendering the overplus if any to the owner, after deducting the charges of diſtreſs and ſale.

CLXXXIV. *Sect.* 16. It ſhall be lawful for the ſaid high bailiff, or his deputy or deputies, to retain in his hands one fourth part of the ſums levied by him or them, for the fines ſet by virtue of this or the ſaid act, in conſideration of their trouble and expence in levying the ſame.

CLXXXV. *Sect.* 17. The remaining three fourth parts of the ſaid fines ſhall be paid over by the ſaid high bailiff, his deputy or deputies, to the reſpective overſeers of the ſeveral pariſhes in *Weſtminſter*, within the like time, and applied by them to the ſame uſes, as are directed by the ſaid act, with reſpect to the whole of ſuch fines.

CLXXXVI. *Sect.* 18. All fines and amerciaments impoſed upon any perſon by virtue of this act, ſhall be levied, recovered and applied, except where the ſame are directed to be otherwiſe levied, *&c.* by this act, in the ſame manner as the fines and amerciaments impoſed by the ſaid act.

CLXXXVII. *Sect.* 19. The ſaid high bailiff, or his deputy or deputies, ſhall from time to time tranſmit to the ſaid court of burgeſſes, an account of all fines and amerciaments by him levied or received, in purſuance of this or the ſaid act; and the clerk of the ſaid court of burgeſſes ſhall in a book make entry of all fines and amerciaments impoſed by virtue of this or the ſaid act, and an account of all monies received in purſuance thereof, or on account of licences granted for erecting hoards, and the application of the ſeveral ſums ſo received; which account the reſpective overſeers of the ſeveral pariſhes in *Weſtminſter* ſhall have liberty to inſpect at all ſeaſonable times, upon application to the ſaid clerk, and take copies thereof ſo far as relates to the ſaid fines.

CLXXXVIII. *Sect.* 20. This act ſhall commence and have continuance from the 29th of *September* 1758.

CLXXXIX. *Sect.* 21. If any ſuit be brought for any thing done in purſuance of this act, or in relation to the premiſſes, the action ſhall be commenced within ſix months next after the fact committed, and ſhall be laid in the county of *Middleſex*, except ſuch perſon againſt whom ſuch action is brought, reſide in the city of *London*; in which caſe the ſaid action ſhall be laid in *London*; and the defendant may plead the general iſſue; and if the plaintiff become nonſuit, *&c.* the defendant ſhall recover treble coſts.

CXC. *Sect.* 22. This act ſhall not extend to the church or college of *Weſtminſter*, nor to the cloſe of *Weſtminſter*, nor to any perſon inhabiting within the precinct of the ſaid church, college or cloſe, for any offence or miſgovernment committed within the ſaid precinct.

CXCI. **Stat.** 31 *Geo.* 2. *cap.* 25. *ſect.* 1. There ſhall be a free market held within the city or liberty of *Weſtminſter*, for all ſorts of corn and grain.

CCXII. *Sect.* 2. Major-general *Edward Cornwallis* and others named in the act ſhall be truſtees for putting this act in execution.

CXCIII. *Sect.* 3. It ſhall be lawful for the truſtees, or five of them, or any perſon authorized by them, to ſet out ground proper for holding the ſaid market within the ſaid

city or liberty; and to purchaſe ſuch ground with any buildings thereupon, and to convert the ſaid ground into a market.

CXCIV. *Sect.* 4. It ſhall be lawful for all perſons, bodies politic, femes covert, truſtees and feoffees in truſt, guardians and committees for lunatics and idiots, executors, adminiſtrators and guardians, not only in behalf of themſelves, but alſo of their ceſtuique truſts, who are ſeiſed or intereſted in any lands or tenements, within the bounds ſet out by the truſtees for the ſaid market, to ſell to the truſtees or five of them, or to any perſon they appoint, ſuch lands or hereditaments.

CXCV. *Sect.* 5. All ſums paid by the truſtees for the purchaſe of ſuch lands, *&c.* to any perſons, bodies politic, femes covert, truſtees, guardians or committees for lunatics or idiots, executors, adminiſtrators or guardians, ſhall be laid out in the purchaſe of other lands, *&c.* or of ſuch eſtate therein as the vender had in the premiſſes; and the lands, *&c.* purchaſed with the ſaid money, ſhall be ſettled to the ſame uſes, and ſtand charged with the ſame charges as the lands from the ſale of which the purchaſe-money ariſes were liable to.

CXCVI. *Sect.* 6. If any perſons or bodies politic refuſe to convey, it ſhall be lawful for the truſtees, or five of them, to iſſue warrants to the high bailiff of *Weſtminſter*, to return a number of perſons qualified to ſerve on juries, not leſs than 48, nor more than 72; and out of ſuch perſons a jury of 12 ſhall be drawn by the truſtees, or ſome perſon by them appointed (as juries for the trial of iſſues in the courts at *Weſtminſter* by 3 *Geo.* 2. *cap.* 25.) to aſſeſs the damages to be awarded to the owners or occupiers of houſes or ground neceſſary to be purchaſed; and the verdicts, judgments and proceedings concerning ſuch ſhall be entered in the regiſter's office for *Middleſex*, and be deemed records; and all perſons may have recourſe to the ſame *gratis*, and take copies, paying for the copies a ſum not exceeding ſix pence for every 200 words, and proportionably for any greater number of words.

CXCVII. *Sect.* 7. Upon payment of ſuch ſum adjudged for the purchaſe of the premiſſes, the perſon intitled thereto ſhall execute conveyances to the truſtees and their ſucceſſors; and in caſe any perſon to whom ſuch money is awarded, ſhall not evince a title, and make conveyances, ſuch money being tendered; or in caſe any perſon intitled to the premiſſes cannot be found in *Weſtminſter* or *Middleſex*; or it appear not to the truſtees what perſon is intitled, it ſhall be lawful for the truſtees to order ſuch money to be paid into the bank of *England* for the uſe of the parties intereſted; and the caſhiers of the bank are to give receipts ſpecifying for what premiſſes, and for whoſe uſe the ſame is received, which receipts ſhall be entered in the regiſter's office of *Middleſex*, and be deemed records; and on ſuch payment and regiſtry all the eſtate of every perſon for whoſe uſe ſuch money was paid in the premiſſes, ſhall veſt in the truſtees in fee-ſimple diſcharged from all claims.

CXCVIII. *Sect.* 8. After payment it ſhall be lawful for the truſtees to enter upon the premiſſes, and to convert the ſame to be uſed as a free market.

CXCIX. *Sect.* 9. It ſhall be lawful for the truſtees, or nine of them, to borrow any ſums not exceeding 3000*l.* for the payment of ſuch purchaſe-money, and for the purpoſes of this act; and to build upon ſuch lands ſo purchaſed all ſuch ſheds and other erections as are neceſſary for the market; or to let out ſuch ground for the beſt rent upon leaſes for any term not exceeding 61 years, with covenants binding the leſſees to build all neceſſary erections for converting the ſame into a market.

CC. *Sect.* 10. No money ſhall be borrowed on the credit of this act, unleſs notice in the *London Gazette* be firſt given at leaſt 20 days before the borrowing of ſuch money.

CCI. *Sect.* 11. It ſhall be lawful for any perſons to pay to the truſtees, or five of them, or their treaſurer, any ſums not exceeding 3000*l.* for the purchaſe of annuities payable during the life of ſuch contributor, or the life of ſuch other perſon as ſhall be nominated on behalf of ſuch contributor at the time of payment; which annuities ſhall not exceed the rate of eight *per cent. per annum*; all which annuities ſhall not exceed 240*l. per annum*, and ſhall be paid by the truſtees, or five of them, in ſuch place in *Weſtminſter* as they appoint, by quarterly payments, to begin three months after payment of their reſpective purchaſe-monies; which annuities ſhall be publicly ſold to the beſt bidder.

CCII. *Sect.*

CCII. *Sect.* 12. There ſhall be provided by the truſtees, and kept in ſuch place in *Weſtminſter*, as they or five of them appoint, books in which ſhall be written the names and ſurnames with the additions and places of abode of all proprietors of the annuities, and of all perſons by whoſe hands the ſaid purchaſers pay in any money upon the credit of this act, and alſo the ſum paid for ſuch annuities, and the days of payment; which books it ſhall be lawful for any perſons to inſpect without fee.

CCIII. *Sect.* 13. All the contributors upon the credit of this act, paying the purchaſe-money at the rate aforeſaid for ſuch annuities, or ſuch perſons as they appoint, or their reſpective aſſigns, ſhall enjoy the annuities during the life of the perſon nominated, and ſhall have indefeaſable eſtates in the annuities; and none of the ſaid annuities ſhall be ſubject to any tax aſſeſſed upon land by parliament; and every contributor upon the credit of this act for the purchaſe of any ſuch annuities, or their aſſigns, upon payment of the purchaſe-money, or any part thereof, to the truſtees, or five of them, or their treaſurer, ſhall have a receipt for ſo much as is paid; and upon payment of all the purchaſe-money ſhall have an order on parchment or vellum for payment of the annuity for the life of the perſon nominated; which order ſhall be ſigned by the truſtees, or five of them, and after ſigning the ſame ſhall be good in law.

CCIV. *Sect.* 14. It ſhall be lawful for any purchaſer of ſuch annuity, his executors, adminiſtrators or aſſigns, at any time, by writing under his hand and ſeal (without any ſtamp) to aſſign ſuch annuity or any part thereof, or any intereſt therein, to any perſon, and ſo *toties quoties*; and an entry of all ſuch aſſignments ſhall be made in a book, to be kept for that purpoſe at the charge of the truſtees, which entry ſhall be made *gratis*.

CCV. *Sect.* 15. The annuities ſo purchaſed ſhall be charged upon all monies ariſing by the rents and profits of the buildings in the ſaid market, and all other the profits ariſing from the ſaid market to the truſtees.

CCVI. *Sect.* 16. All the lands and hereditaments purchaſed under this act, for the ſite of the market, and all erections built thereupon, and the rents and profits ariſing from the ſame, ſhall be veſted in the truſtees and their ſucceſſors for ever; and they ſhall ſtand ſeiſed thereof in truſt for the uſes herein after-mentioned, *viz.* the truſtees and their ſucceſſors, or five of them, ſhall out of the firſt monies borrowed or ariſing by granting of leaſes, or the ſale of annuities, or by any other means under this act, pay the expences of obtaining this act, and in the next place pay all debts incurred by the purchaſe of the ground whereon the ſaid market ſhall be erected, and all ſuch charges as attend the erecting the ſame; and the rents and profits ariſing thereby ſhall be applied in paying the annuities to be granted as aforeſaid; and all ſuch ſavings as ſhall be made by the death of any ſuch annuitants, ſhall after the diſcharge of all debts be appropriated in manner after-mentioned.

CCVII. *Sect.* 17. There ſhall be paid to the truſtees, or ſuch perſons as they or five of them ſhall appoint, the following ſums, by every perſon ſelling any corn or grain, ſeed, malt, meal or flour, in the ſaid market; *viz.*

One peny for every ſack of corn, grain, malt, meal or flour.
And one half-peny for every buſhel of ſeed.

Which ſums ſhall be veſted in the truſtees and their ſucceſſors; and ſhall be paid to the ſeveral uſes, and in ſuch manner, as by this act is directed; and it ſhall be lawful for the truſtees, or five of them, or ſuch perſons as they under their hands and ſeals at a general meeting appoint, to demand the ſums hereby granted, and to levy the ſame by diſtreſs of any goods belonging to the perſon liable to payment, and to keep ſuch goods until ſuch ſums with the charges of diſtreſs be paid; and ſuch perſon ſo diſtraining, after three days after ſuch diſtreſs, may ſell the goods diſtrained, returning the overplus upon demand to the owner, after ſuch ſums and the charges be paid.

CCVIII. *Sect.* 18. The truſtees, or nine of them, ſhall at the firſt or any ſucceeding general meeting, by writing under their hands and ſeals, make rules for the government of the market; and ſhall appoint one or more collectors, and one or more treaſurers, and all other neceſſary officers; allowing to ſuch perſons ſuch ſalaries as to the truſtees, or nine of them, appear juſt; and the truſtees, or nine of them, ſhall remove ſuch treaſurers, collectors or other perſons by them appointed, and place others

others in their ſtead; and the perſons ſo appointed to collect the ſaid ſums, and ſuch treaſurers ſhall, before the truſtees, or five of them, upon the firſt *Monday* in every month, or oftener if required, give an account under their hands, of all the monies to ſuch time received and diſburſed, and produce vouchers, and pay over the balance to ſuch perſons as the truſtees, or five of them, at ſuch meeting direct; and in caſe ſuch treaſurers or collectors refuſe to give in ſuch account, or to pay ſuch balance, as often as required by the truſtees, or five of them, at a general meeting, ſuch perſon ſo refuſing ſhall be committed to the common gaol of *Weſtminſter*, by warrant of any juſtice of peace for the ſaid city and liberty, upon application by any two truſtees, there to remain until he make a true account, and have produced all vouchers, and have paid over the money due on ſuch account to ſuch perſon as the truſtees or five of them direct, or have made ſuch compoſition as the truſtees, or five of them, approve.

CCIX. *Sect.* 19. The truſtees, or five of them, are to take ſuch ſecurity from the treaſurers for the due execution of their offices, as to them ſeems meet.

CCX. *Sect.* 20. The truſtees, or five of them, ſhall every year, within ſix weeks after the 25th of *December*, deliver in to the juſtices of peace for *Weſtminſter*, at the general quarter ſeſſions, or any adjournment thereof, an account ſigned by them of all ſums received or diſburſed under this act, during the preceding year, with the balance (if any) in their hands, and ſuch accounts ſhall be kept by the clerk of the ſaid ſeſſions among the records, to be inſpected by any perſon upon payment of one ſhilling to the ſaid clerk; and if any ſurplus of the ſaid ſums remain in the hands of the truſtees, the ſame ſhall be applied yearly, within 12 months next after the delivering ſuch accounts to the juſtices, to the treaſurer of *Weſtminſter Infirmary*, for the benefit of the ſaid charity.

CCXI. *Sect.* 21. It ſhall be lawful for any perſon who buys any corn or grain, ſeed, malt, meal, or flour, in the ſaid market, to ſell the ſame again in any other place.

CCXII. *Sect.* 22. And whereas by 22 *Geo.* 2. *cap.* 49. *ſect.* 13. the commiſſioners for building *Weſtminſter* bridge were impowered to make a grant to the truſtees appointed by the ſaid act of a piece of ground near *Common Row*, in the city of *Weſtminſter*, which was conveniently ſituated for the intended fiſh market, which grant has been ſince made; and whereas the ſaid ground may be convenient for the corn market in common with the ſaid fiſh market; be it enacted, that in caſe the truſtees herein appointed, or nine of them, find the ſaid ground to be proper for holding the market for the ſale of corn and grain, it ſhall be lawful for the truſtees appointed to put the 22 *Geo.* 2. *cap.* 49. in execution, or five of them, to agree with the truſtees for putting this act in execution, to permit the ſaid ground to be uſed as a free market for all ſorts of corn and grain, ſeed, malt, meal, and flour, in common with the ſaid market for the ſale of fiſh; and the truſtees appointed by the 22 *Geo.* 2. *cap.* 49. in caſe ſuch agreement take place, may uſe the ſaid ground for the holding of a market for all ſorts of corn and grain, ſeed, malt, meal, and flour, in common with the ſaid market for the ſale of fiſh.

CCXIII. *Sect.* 23. In caſe ſuch agreement take place, then from the execution thereof, all the powers veſted by this act in the truſtees herein named ſhall ceaſe, and the truſtees appointed to put in execution the 22 *Geo.* 2. *cap.* 49. ſhall be truſtees for putting this act in execution, and ſhall be inveſted with all the powers in this act.

CCXIV. *Sect.* 24. It ſhall be lawful for the truſtees appointed to put the 22 *Geo.* 2. *cap.* 49. in execution, or five of them, in caſe ſuch agreement take place, to impower the leſſees of the premiſſes, their executors, adminiſtrators or aſſigns, to permit any perſon to dwell in or occupy any building erected in any part of the premiſſes, for the carrying on therein any trade or buſineſs, relating to the buying or ſelling of corn and grain, ſeed, malt, meal, and flour.

CCXV. *Sect.* 25. It ſhall be lawful for the truſtees, or nine of them, if they think fit, to ſuffer corn and grain, ſeed, malt, meal, and flour, to be ſold for any time not exceeding three years from the opening of the ſaid market, without the payment of any toll; and to leſſen the toll, from time to time, as to them, or nine of them, at a public meeting appears reaſonable; notice of which meeting ſhall be given in the *London Gazette*, one week before ſuch meeting.

CCXVI. *Sect.* 26. No truſtee for putting this act in execution ſhall have any place of profit ariſing out of any ſums by this act granted.

CCXVII. *Sect.* 27. When any truſtee dies, or by writing under his hand refuſes to act, it ſhall be lawful for ſuch of the truſtees as remain, or nine of them, at any general meeting, by writing under their hands and ſeals, to appoint one or more fit perſons in the room of ſuch truſtees ſo dying or refuſing to act.

CCXVIII. *Sect.* 28. The firſt meeting of the truſtees ſhall be on the firſt *Tueſday* in *July* 1758, at the *King's Arms* tavern in *New Palace Yard* within the city of *Weſtminſter*; and they ſhall have power to adjourn their ſucceeding meetings, from time to time, and to ſuch places within the ſaid city or liberty as they think fit.

CCXIX. *Sect.* 29. If any action be commenced for any thing done in purſuance of this act, the ſame ſhall be commenced within ſix months after the offence committed; and the defendant may plead the general iſſue; and if the plaintiff be nonſuit, *&c.* the defendant ſhall recover treble coſts.

CCXX. *Sect.* 30. This act ſhall be deemed a public act.

Lotteries.

XXIV. **Stat.** 12 *Geo.* 2. *cap.* 28. *ſect.* 1. For explaining and making more effectual 10 & 11 *Will.* 3. *cap.* 17. 9 *Ann. cap.* 6. and 8 *Geo.* 1. *cap.* 2. be it enacted, that if any perſon ſet up or keep any office or place, under the denomination of a ſale of houſes, land, advowſons, preſentations to livings, plate, jewels, ſhips, goods or other things, by way of lottery, or by lots, tickets, numbers or figures, cards or dice; or make, print, advertiſe or publiſh, or cauſe to be made, *&c.* ſchemes for advancing ſmall ſums of money by ſeveral perſons, amounting in the whole to large ſums, to be divided among them by chances of the prizes in ſome public lottery allowed by parliament, or deliver or procure to be delivered tickets to the perſons advancing ſuch ſums, to intitle them to a ſhare of the money, according to ſuch ſchemes; or expoſe to ſale any houſes, *&c.* by any game or device to be determined by any lot or drawing, whether it be out of a box or wheel, or by cards or dice, or by any machine or device of chance of any kind; ſuch perſon being convicted before a juſtice of peace for any county or diviſion, or before the mayor, or other juſtice of peace for any city or town corporate, upon the oath of one witneſs, or upon the view of ſuch juſtice, or on the confeſſion of the party, ſhall forfeit 200 *l.* to be levied by diſtreſs and ſale of the offender's goods, by warrant of a juſtice of peace of the place where the offence is committed; which forfeitures after deducting the charges of proſecution, ſhall be applied, one third to the informer, and two-thirds to the poor of the pariſh where ſuch offence is committed; excepting the ſaid two-thirds of forfeitures incurred by any perſon within the city of *Bath*, which two-thirds ſhall be applied to the uſe of the poor in the hoſpital for poor perſons reſorting to the ſaid city for the benefit of the waters.

XXV. *Sect.* 2. The games of the ace of hearts, pharaoh, baſſet and hazard, are hereby declared to be games or lotteries, within the meaning of the ſaid acts; and all perſons, who ſet up or keep the ſaid games, ſhall be liable to all the penalties by this act inflicted upon perſons keeping lotteries; and be proſecuted in like manner.

XXVI. *Sect.* 3. Every perſon who ſhall be an adventurer in any of the ſaid games, lotteries or ſales, or ſhall play, ſet at, ſtake or punt at either of the ſaid games of the ace of hearts, pharaoh, baſſet and hazard, ſhall forfeit 50 *l.* to be recovered as aforeſaid.

XXVII. *Sect.* 4. All ſales of houſes, lands, advowſons, preſentations to livings, plate, jewels, ſhips, goods or other things, by any game, lottery, or other device to be determined by chance or lot, are hereby declared to be void: And all ſuch houſes, *&c.* ſo expoſed to ſale, ſhall be forfeited to ſuch perſon who ſhall ſue for the ſame in any court of record, or at the aſſizes for the county where the offence is committed; in which action no eſſoin, *&c.* ſhall be allowed.

XXVIII. *Sect.* 5. Any perſon aggrieved by the determination of any juſtice of peace or mayor, may appeal to the next general quarter-ſeſſions of the peace for the county

or place where ſuch perſon was convicted; but the perſon ſo appealing ſhall give reaſonable notice to the proſecutor, and enter into recognizance before ſome juſtices of peace for the place wherein the conviction was, with two ſureties, on condition to try ſuch appeal at the next quarter-ſeſſions, and every ſuch appeal ſhall by the ſaid next general quarter-ſeſſions be finally determined, and not afterwards; and in caſe ſuch judgment or conviction be affirmed, the party appealing ſhall pay unto the proſecutor his treble coſts.

XXIX. *Sect.* 6. No ſuch conviction or judgment ſhall be ſet aſide by the quarter-ſeſſions for want of form, in caſe the facts alleged in the conviction be proved; nor ſhall ſuch conviction or judgment be removable by *certiorari*, or other proceſs into any court of record at *Weſtminſter*, until judgment given thereupon by the quarter-ſeſſions.

XXX. *Sect.* 7. No writ of *certiorari* or other proceſs ſhall iſſue to remove the record of any ſuch conviction from the quarter-ſeſſions, or any proceedings upon ſuch conviction, into any court of record at *Weſtminſter*, until the party againſt whom ſuch conviction is made, before the allowance of ſuch writ of *certiorari* or other proceſs, find two ſureties to become bound to the proſecutor in 100 *l.* with condition to proſecute the ſame with effect within ſix calendar months, and to pay unto the proſecutor his treble coſts, in caſe ſuch conviction be affirmed.

XXXI. *Sect.* 8. If any perſon be convicted of ſetting up or keeping any of the ſaid lotteries or games, or therein adventure and have not ſufficient goods whereon to levy the penalties, or do not immediately pay or give ſecurity for the ſame, it ſhall be lawful for the juſtice before whom ſuch perſon is convicted, to commit ſuch perſon to the common gaol of the county or place where ſuch offence is committed, for any time not exceeding ſix months.

XXXII. *Sect.* 9. If any juſtice or mayor neglect to do what is required of him by this act, he ſhall forfeit 10 *l.* for each offence; one moiety to any perſon who ſhall ſue for the ſame, and the other moiety to the poor of the pariſh where ſuch offence is committed; and ſhall be recovered, with full coſts in any court of record, or at the aſſize for any county; ſuch proſecution being commenced within ſix months next after ſuch refuſal of ſuch juſtices or mayor.

XXXIII. *Sect.* 10. Nothing in this act or in any former acts againſt gaming, ſhall extend to hinder any perſon from gaming or playing at any of the games in this or in any former act mentioned, within any of his Majeſty's royal palaces where his Majeſty then reſides.

XXXIV. *Sect.* 11. Nothing herein contained ſhall affect any eſtate or intereſt in any manors, honours, royalties, lands, tenements, advowſons, preſentations, rents, ſervices and hereditaments, hereafter legally allotted to or held by any allotment or partition by lots; but all perſons who are or ſhall be truly ſeized as part-owners, joint-tenants, and tenants in common of any manors, *&c.* ſhall be capable to take ſuch eſtates and intereſt in like manner as they might have done by lot, chance or allotment, had this act never been made.

XXXV. *Sect.* 12. Any ſuit for any thing done in purſuance of this act, ſhall be commenced within three calendar months after the fact committed; and ſhall be laid in the county or place where the cauſe of action ariſes; and the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts.

XXXVI. **Stat.** 13 *Geo.* 2. *cap.* 19. *ſect.* 9. The game of paſſage, and all other games with one or more dice, or with any other inſtrument or device in the nature of dice, having figures thereon (backgammon, and the other games now played with the backgammon tables, only excepted) ſhall be deemed games or lotteries by dice, within the meaning of 12 *Geo.* 2. *cap.* 28. and every perſon who ſhall ſet up or keep any office, table or place (ſave as in the ſaid act is declared) for the ſaid prohibited games, ſhall forfeit the penalties by the ſaid act inflicted upon perſons who keep games or lotteries; and every perſon who ſhall play, ſet at, ſtake or adventure at the ſaid prohibited games, ſave as in the ſaid act is declared, ſhall forfeit the penalties by the ſaid act inflicted upon perſons who play at the games in the ſaid act mentioned; and every ſuch offender ſhall

be

be profecuted and convicted, and the penalties ſued for and diſpoſed of in like manner as by the ſaid act is directed.

XXXVII. *Sect.* 10. In any action, *&c.* brought on this act, no eſſoin, *&c.* ſhall be allowed; and over and above the penalties, the plaintiff or informer ſhall recover his double coſts.

XXXVIII. **Stat.** 29 *Geo.* 2. *cap.* 7. *ſect.* 26. If any offence againſt any act made in this kingdom for preventing private and unlawful lotteries, be committed in *Ireland*, the offender ſhall incur the like penalty, as if the offence was committed in this kingdom. And ſuch penalties as by any of the ſaid acts are directed to be recovered in any court of record at *Weſtminſter*, ſhall in caſe of offences committed in *Ireland*, be recovered in any court of record at *Dublin*.

Malt, mum, cyder and perry.

CII. **Stat.** 15 *Geo.* 2. *cap.* 1. *ſect.* 1. The duties upon malt, mum, cyder and perry, by act 8 *Geo.* 2. *cap.* 1. granted and continued by *the ſeveral annual acts for the malt tax*, ſhall be charged on all malt made, and mum made and imported, and all cyder and perry made for ſale, within *England*, *&c.* before the 24th of *June*, 1743.

CIII. **Stat.** 20 *Geo.* 2. *cap.* 5. *ſect.* 1. The duties upon malt, mum, cyder and perry, by 15 *Geo.* 2. *cap.* 1. granted and continued by *the ſeveral annual acts for the malt tax*, ſhall be continued to 24 *June*, 1748.

CIV. **Stat.** 27 *Geo.* 2. *cap.* 2. *ſect.* 1. The duties upon malt, mum, cyder and perry, by 20 *Geo.* 2. *cap.* 5. granted and continued by *the ſeveral annual acts for the malt tax*, ſhall be continued to 24 *June*, 1755.

CV. **Stat.** 33 *Geo.* 2. *cap.* 3. *ſect.* 1. Throughout *England*, *Wales*, and *Berwick*, the duties upon malt, mum, cyder and perry, by 27 *Geo.* 2. *cap.* 2. granted or continued, and by *the ſeveral annual acts for the malt tax*, continued until the 24th of *June*, 1760, ſhall be charged on all malt made, and mum made and imported, and all cyder and perry made for ſale, within *England*, *Wales*, and *Berwick*, before the 24th of *June*, 1761. *See* Par. VI.

CVI. **Stat.** 33 *Geo.* 2. *cap.* 7. *ſect.* 1. There ſhall be paid unto his Majeſty, his heirs and ſucceſſors, upon all malt, the duties after mentioned, *viz.*

CVII. *Sect.* 2. For every buſhel of malt made of barley, or other corn, within *England*, *Wales*, and *Berwick* (whether it be or not be for ſale) 3*d.* to be paid by the maker, over and above all other duties.

CVIII. *Sect.* 3. Upon every buſhel of malt made of barley, or other corn, within *Scotland*, (whether the ſame be or not be for ſale) 1*d.* 2*q.* to be paid by the maker, over and above all other duties.

CIX. *Sect.* 4. Upon every buſhel of malt brought from *Scotland* into *England*, *Wales*, or *Berwick*, 1*d.* 2*q.* over and above the duty herein before granted, and all other duties.

CX. *Sect.* 5. The duties herein granted ſhall be aſcertained, and paid into his Majeſty's exchequer, in like manner as preſcribed concerning the duties upon malt granted by 33 *Geo.* 2. *cap.* 3. or any other act thereby referred unto.

CXI. *Sect.* 6. There ſhall be paid unto his Majeſty, for every buſhel of malt, ground or unground, made of barley, or other corn, belonging to any malſter, retailer, brewer, diſtiller, innkeeper, victualler, or vinegar-maker, either in his cuſtody, or in the cuſtody of any other perſon in truſt for him, upon the 8th of *February*, 1760, 3*d.* in *England*, *Wales*, and *Berwick*, 1*d.* 2*q.* in *Scotland*; to be paid by the perſon poſſeſſed of ſuch malt, over and above all other duties.

CXII. *Sect.*

CXII. *Sect.* 7. The duties hereby granted upon malt being ſtock in hand on the ſaid 8th of *February*, ſhall be within the management of the commiſſioners of exciſe upon beer ale and other liquors, in *Great Britain* reſpectively.

CXIII. *Sect.* 8. All makers of malt for ſale, ſellers or retailers, brewers, diſtillers, innkeepers, victuallers, and vinegar-makers, and all perſons who in truſt for any of them ſhall have in their cuſtody upon the 8th of *February* 1760, any malt, ſhall on that day, or within 10 days next enſuing, give an account thereof in writing, at the office of exciſe within the limits of which they inhabit; upon pain to forfeit 50*l.* for every ſuch offence, and the malt of which no ſuch account ſhall have been given, which may be ſeized by any officer of exciſe; and within one calendar month after they have given, or ought to have given ſuch account, ſhall pay the duties for ſuch malt to the proper officer for receiving the ſame: And every ſuch malſter, *&c.* who ſhall neglect to make ſuch payment for his ſtock of malt, within the time limited, ſhall forfeit double the duty which ſhould have been paid.

CXIV. *Sect.* 9. It ſhall be lawful for the officers of exciſe to take an account and admeaſurement of all ſuch malt, as any malſters, *&c.* or any perſon in truſt for any of them, ſhall on the ſaid 8th of *February* 1760, have; and ſhall be permitted in the day-time to enter into any dwelling-houſe, or other place belonging to ſuch malſter, *&c.* who are to permit ſuch officers upon requeſt to make ſuch entrance on the ſaid 8th of *February* 1760, or afterwards, at any time before the duty upon ſuch malt ſhall be paid, and to caſt ſuch malt into a regular form for aſcertaining the quantity; and if they refuſe to permit the officers of exciſe ſo to do, or if any perſon obſtruct any officer of exciſe in the due execution of ſuch powers, he ſhall forfeit 20*l.* And if any malſter, *&c.* ſhall clandeſtinely remove, or ſuffer to be removed, any malt, before the duties ſhall be charged, or ſhall fraudulently conceal, or ſuffer to be concealed, or not produce to the inſpection of the gauger, ſuch malt, every perſon ſo offending ſhall forfeit 20*l.* and the malt ſo clandeſtinely removed, or concealed, which may be ſeized by any officer of exciſe; and the perſon in whoſe cuſtody ſuch malt ſhall be found, who ſhall not, before the diſcovery, give notice at the next exciſe office of the malt ſo in his cuſtody, ſhall forfeit 20*s.* for every buſhel.

CXV. *Sect.* 10. All the powers, penalties and clauſes, which by 12 *Car.* 2. *cap.* 24. or by any other law now in force relating to the exciſe upon beer ale or other liquors, are eſtabliſhed, for managing, levying, or aſcertaining, the duties thereby granted, ſhall be put in execution for the managing and paying the duties upon malt which ſhall be ſtock in hand on the ſaid 8th of *February* 1760.

CXVI. *Sect.*. 11. All fines and forfeitures in relation to the ſaid duties upon ſtock in hand, ſhall be ſued for, recovered, or mitigated, by ſuch ways, as any fine or forfeiture by any law of exciſe, or by action of debt, *&c.* in any court of record at *Weſtminſter*, or in the court of ſeſſion, court of juſticiary, or court of exchequer in *Scotland*, reſpectively; one moiety to his Majeſty, and the other moiety to him that ſhall inform or ſue.

CXVII. *Sect.* 12. If after payment of the duties upon malt which ſhall be ſtock in hand upon the ſaid 8th of *February* 1760, any part of ſuch malt ſhall be deſtroyed or damaged by fire, or periſh, or be damaged by any accident to any barge in tranſporting from any part of this kingdom to another, ſuch allowance ſhall be made to the proprietors in reſpect of the duty, as by 9 *Geo.* 1. *cap.* 3. and the amount of ſuch allowances ſhall be aſcertained as is preſcribed by the ſaid act, and ſhall be paid out of the monies to ariſe by this act.

CXVIII. *Sect.* 13. In gauging malt for aſcertaining the duties on ſtock in hand, the buſhel ſhall be of the ſame contents as are appointed by 12 *Ann. ſt.* 1. *cap.* 2.

CXIX. *Sect.* 14. After the ſaid 8th of *February* 1760, all malt which ſhall be conveyed from *Scotland* into *England*, *Wales*, or *Berwick*, ſhall be entered with ſuch officers, and in ſuch manner, and under ſuch penalties, as is directed by 33 *Geo.* 2. *cap.* 3. and 3*d.* *per* buſhel for the duties, over and above all other duties, ſhall be paid in ready money to ſuch officers, and in ſuch manner, as the duties in the ſaid act are to be paid, unleſs a certificate from the proper officer be produced, that it hath paid the duty granted by this act of 1*d.* 2*q.* *per* buſhel in *Scotland*, either upon making, or as ſtock in hand; and if ſuch certificate be produced, then there ſhall

be paid no more than 1 *d.* 2 *q.* *per* buſhel by this act; on pain of forfeiting all ſuch malt, or the value, as ſhall be landed, or brought into *England*, *&c.* without ſuch entry or payment: Which forfeiture ſhall be recovered and applied as any forfeiture by the ſaid act.

CXX. *Sect.* 15. During the time that any duties, other than the duties granted by this act, ſhall be payable for malt, no payment or allowance ſhall be made, out of the duties hereby granted, to any perſon in conſideration of any extraordinary charges for warehouſes for locking up malt entered for exportation, or for the admeaſurements; nor ſhall any allowance be made in the gauging any barley or corn making into malt, or of the malt when made, in conſideration of the difference between the quantity of the corn when wet and ſwoln, and the quantity when converted into dry malt; or the difference between the quantity of corn when it is making upon the floor, and the quantity when it is dried and perfectly made into malt; or in the gauging of any corn making into malt for exportation, or of ſuch malt when made; other than ſuch reſpective allowances as are mentioned in 33 *Geo.* 2. *cap.* 3.

CXXI. *Sect.* 16. Upon the claim of any bounty upon the exportation of any whole or ground malt, the duties by this act granted ſhall not be reckoned towards the price of ſuch malt; and ſuch bounty ſhall be continued in ſuch manner, and under ſuch rules and forfeitures as are preſcribed by 33 *Geo.* 2. *cap.* 3. or any act therein referred unto.

CXXII. *Sect.* 17. Wherever any perſon or bodies politic charged with the duties in this act, ſhall have ſold or contracted to ſell, any malt before the ſaid 8th of *February* 1760, and not delivered the ſame to the buyer, the buyer ſhall be obliged to pay to the ſeller the duty.

CXXIII. *Sect.* 18. No malt entered for exportation according to ſuch rules as are preſcribed by 12 *Geo.* 1. *cap.* 4. or any other act now in force, ſhall be charged to the duties by this act granted; and no drawback out of the duties to ariſe by this act ſhall be paid for malt exported.

CXXIV. *Sect.* 19. Where any rent is payable in malt, or payable in money and the ſum to be aſcertained by the price of malt, it ſhall be lawful for the tenant to deduct the duty by this act charged.

CXXV. *Sect.* 20. All malt in the cuſtody of any maker ſhall be chargeable with all duties of malt in arrear and owing by any perſon for any malt made by ſuch malſter, or within his malt-houſe, and ſhall be ſubject to all penalties incurred by ſuch perſon uſing ſuch malt-houſe relating to the duties on malt.

CXXVI. *Sect.* 21. No part of the monies which ſhall ariſe by the duties hereby granted, ſhall be liable, during the payment of any other duties upon malt, to defray any part of the charges of collection or management, or be applicable towards encouraging fiſheries or manufactures in *Scotland*, or to any uſe (except allowances authorized by virtue of this act, and the charges of collection and management when there ſhall not be any other duties upon malt) other than the uſes herein after mentioned.

CXXVII. *Sect.* 22. The officers who ſhall be employed in the aſſeſſing, levying, and recovering the duties by this act granted, ſhall diſtinguiſh in their accounts the monies ariſing by ſuch duties, and ſhall pay the ſame into the receipt of exchequer, ſeparately from all monies to ariſe by any other duties upon malt; and in the office of the auditor a book ſhall be kept, in which all the monies ariſing by this act ſhall be entered ſeparate from all other monies, and the monies ſo ariſing ſhall be the fund for the purpoſes after mentioned.

CXXVIII *Sect.* 23. The annuities by this act directed to attend as well the principal ſum of eight millions, as the additional capital which will ariſe by 3 *l.* to be given by a lottery ticket to each ſubſcriber for every 100*l.* ſhall be charged upon the duties compoſing the fund hereby eſtabliſhed; and by *ſect.* 58. any ſurplus is reſerved for the diſpoſition of parliament.

CXXIX. *Sect.* 59. Whereas in making malt the corn during its ſteeping in the ciſtern ſwells conſiderably, and it has been thought reaſonable in all charges of duties made from the ciſtern or couch to allow 4 buſhels in 20; if after the 8 *February* 1760, any malſter during the continuance of the duties on malt, ſhall not ſteep his barley

barley or corn intended to be made into malt, in the ciſtern, uting-fat, or other veſſel, ſo as that the ſame ſhall be covered with water, and continue ſo covered for 40 hours, before he ſhall drain the water from the ſame, he ſhall not be intitled to the ſaid allowance of 4 buſhels in 20 in charging the duties by gauge either in the ciſtern or couch.

CXXX. *Sect.* 61. If any perſon be ſued for any thing done in purſuance of this act, he may plead the general iſſue, and if a verdict paſs for the defendant, *&c.* he ſhall have treble coſts. *See* **Corn, Exciſe.**

Manufactures.

XXIII. **Stat.** 13 *Geo.* 2. *cap.* 8. *ſect.* 1. If any perſon hired or employed in the working up of any woollen, linen, fuſtian, cotton, or iron manufactures, ſhall purloin, imbezil, ſecret, ſell, pawn, exchange, or otherwiſe illegally diſpoſe of any the materials with which he ſhall be intruſted to work up ſuch manufactures, whether the ſame be or be not firſt wrought up, or ſhall reel ſhort or falſe yarn, the perſon ſo offending, and convicted as is preſcribed by 1 *Ann. ſt.* 2. *cap.* 18. Par. XII. ſhall forfeit double the value of the owner's damages, with ſuch coſts of proſecution as ſhall be adjudged reaſonable by the juſtice before whom convicted; and in caſe immediate payment be not made, it ſhall be lawful for the juſtice to cauſe the offender to be committed to the houſe of correction, to be there whipped and kept to hard labour for any time not exceeding 14 days; and in caſe of a ſubſequent offence for embezilling any of the materials in the ſaid act mentioned, the perſon ſo offending ſhall for every ſubſequent offence, being convicted, forfeit four times the value of the damages, with ſuch coſts as ſhall be adjudged reaſonable by the juſtice; and in caſe immediate payment of the reſpective forfeitures and coſts be not made, ſuch juſtice, or any other juſtice for the place where ſuch offence is committed, ſhall cauſe the offenders to be committed to the houſe of correction, to be kept to hard labour for any time not exceeding three months, nor leſs than one month; and alſo during the time of ſuch commitment to be whipped at the market-place of the town where ſuch offender ſhall be committed, once or oftner.

XXIV. *Sect.* 2. Every perſon who ſhall buy or receive, by way of gift, pledge, or ſale, from any of the perſons herein, or in the ſaid act mentioned, any woollen, linen, fuſtian, cotton or iron manufactures, either before or after the ſame ſhall be wrought up, knowing the ſame to be ſo embezilled, being convicted ſhall ſuffer the like penalties as are by this or the ſaid act inflicted on perſons embezilling ſuch materials.

XXV. *Sect.* 3. The forfeitures incurred by the ſaid act, and by this act, ſhall be applied one moiety to the party injured, and the other moiety to the poor of the pariſh only where ſuch offence ſhall be committed, with the like liberty of appealing as is given by the ſaid act.

XXVI. *Sect.* 4. If any perſon hired or employed in manufacturing of gloves, breeches, leather, ſkins, boots, ſhoes, ſlippers, wares, or other goods or materials uſed in any of thoſe trades, ſhall fraudulently embezil, ſecret, ſell, pawn, or exchange any of the materials with which he ſhall be intruſted to work, or ſhall embezil, *&c.* any wares when made up, or do or permit any other act whereby to leſſen the value of ſuch wares, either before or after the ſame ſhall be made into wares, and be convicted by the oath or affirmation of the maſter or owner, or any other witneſs, or confeſſion, before one juſtice of the peace for the place where ſuch offence ſhall be committed, or where the party ſo charged ſhall reſide, ſuch juſtice ſhall award the perſon ſo offending to make a recompence to the parties injured for the damage, ſo as the ſame do not exceed double the value of the goods embezilled, one half to go to the party grieved, and the other half to the poor of the pariſh where ſuch offence ſhall be committed, together with the charges of conviction, to be levied by warrant of ſuch juſtice by diſtreſs and ſale of goods; but if ſuch offender have not goods ſufficient to anſwer the forfeitures and charges, and ſhall not immediately pay the ſame, then the ſaid offender ſhall by warrant of ſuch juſtice be, for every diſtinct

offence, committed to the houſe of correction, or public priſon of ſuch county or place, and there kept to hard labour for 14 days, and ſhall be there whipped, as the ſaid juſtice ſhall order; and in caſe of a ſubſequent offence, the perſon ſo offending being convicted ſhall forfeit four times the value of the damages, with coſts of proſecution; and in caſe immediate payment be not made, it ſhall be lawful for ſuch juſtice to commit the offender to the houſe of correction, or public priſon, to be there kept to hard labour for any time not exceeding three months, nor leſs than one month, and alſo during ſuch commitment ſhall cauſe the ſaid offender to be publicly whipped at the market place of the town where he is committed, once or oftner.

XXVII. *Sect.* 5. Every perſon who ſhall knowingly buy or receive from any perſon (except the owners) any of the ſaid gloves, *&c.* ſhall for every offence, being convicted, make ſatisfaction within two days after the matter is determined by any juſtice, or elſe be ſubject to ſuch diſtreſs, and for want of ſufficient diſtreſs be liable to the like puniſhment as is inflicted on ſuch perſons as imbezil any gloves, *&c.* and ſo in like manner for every ſubſequent offence.

XXVIII. *Sect.* 6. All payments to any workmen for work done in ſuch manufactures, ſhall be in lawful coin only, and not by any victuals or commodities, except by their requeſt; and all materials delivered to be wrought up in the manufacture laſt mentioned, ſhall be delivered with a declaration of the weight, quantity, or tale thereof, on pain of forfeiting to ſuch worker, double the value of what ſhall be due for ſuch work; and if any ſuch worker ſhall be guilty of any fraud or neglect in the work, he ſhall anſwer to the owner double damages.

XXIX. *Sect.* 7. All wages, demands, frauds, and defaults of workers in the trades laſt-mentioned, ſhall be determined by any two juſtices of the county or place where the matter in controverſy ſhall happen.

XXX. *Sect.* 8. Every perſon who ſhall be firſt retained or employed in the making up any gloves, or other wares aforeſaid, for one maſter, and ſhall neglect the performance thereof, by hiring himſelf to any other maker, before he ſhall have compleated the ſame, being convicted upon the oath or affirmation of one witneſs, before one juſtice where the offence ſhall be committed, ſhall be ſent to the houſe of correction, there to be kept to hard labour for any time not exceeding one month.

XXXI. *Sect.* 9. If any perſon ſhall think himſelf aggrieved by any judgement of the ſaid two juſtices, it ſhall be lawful for him to appeal to the juſtices of peace at their next general quarter-ſeſſions (giving eight days notice of ſuch appeal to the perſon againſt whom it ſhall be brought) and ſuch juſtices at their next general quarter-ſeſſions are finally to determine the appeal, and award to the party on whoſe behalf ſuch appeal is determined, reaſonable coſts; but no order made by the two juſtices ſhall be appealed from, or vacated for want of form only.

XXXII. *Sect.* 10. No perſon ſhall ſuffer puniſhment twice for the ſame offence.

XXXIII. *Sect.* 11. The act 1 *Ann. ſt.* 2. *cap.* 18. and this act ſhall extend and be put in force, in *Scotland*; and if any offence againſt this act be committed in *Scotland*, no warrant for poyndeing or diſtraining iſſued by any juſtice of peace, ſhall be ſtopped by any ſuſpenſion, ſiſt, or other proceſs, except an appeal entered to the quarter-ſeſſions of the peace.

XXXIV. **Stat.** 22 *Geo.* 2. *cap.* 27. *ſect.* 1. For rendering more effectual the 13 *Geo.* 2. *cap.* 8. and extending the regulations to other manufactures, be it enacted, that if any perſon employed to make any felt or hat, or to prepare or work up any woollen, linen, fuſtian, cotton, iron, leather, furr, hemp, flax, mohair, or ſilk manufactures, or any of the ſaid materials mixed one with another, ſhall purloin, imbezil, ſecrete, ſell, pawn, exchange, or otherwiſe unlawfully diſpoſe of any of the materials with which he ſhall be entruſted, whether the ſame be or be not firſt wrought, or ſhall reel falſe or ſhort yarn, and be convicted, by the oath or (if a *Quaker*) affirmation of the owner, or any other witneſs, or by confeſſion, before any juſtice of the peace of the county or place where ſuch offence ſhall be committed, or where the perſon charged ſhall reſide, it ſhall be lawful for the juſtice by warrant to commit the perſon ſo convicted to the houſe of correction or public priſon of the place, there to be kept to hard labour

labour for 14 days, and to order him to be once publicly whipped; and in caſe of a further conviction, for a ſubſequent offence of the ſame kind, to commit him to the houſe of correction, or public priſon, to be kept to hard labour for any time not exceeding three months, nor leſs than one month, and to order him to be publicly whipped twice or oftener.

XXXV. *Sect.* 2. If any perſon ſhall buy or receive from any perſon employed to make any of the manufactures aforeſaid, any thrums or ends of yarn, or any other materials of wooll, furr, hemp, flax, cotton, or iron, or any leather, mohair, or ſilk, whether the ſame be or be not firſt wrought, knowing the perſon of whom he ſo receives the ſaid materials, to be ſo employed, and not having firſt obtained the conſent of the perſon employing him, or ſhall buy or receive from any other perſon any of the ſaid materials, whether wrought or not, knowing the ſame to be ſo imbezilled, the perſon receiving being convicted ſhall for the firſt offence forfeit 20 *l.* and in caſe the forfeiture be not immediately paid, the juſtice ſhall commit the party convicted to the houſe of correction, or public priſon, to be kept to hard labour for 14 days, unleſs the forfeiture be ſooner paid; and if within two days before the expiration of the 14 days, the forfeiture be not paid, the juſtice is to order the perſon ſo convicted, to be publicly whipped once or oftener; and in caſe of a further conviction, for a ſubſequent offence of the ſame kind, the perſon ſo offending ſhall forfeit 40 *l.* and in caſe the forfeiture be not immediately paid, the juſtice ſhall commit him to the houſe of correction, or public priſon, to be kept to hard labour for any time not exceeding three months, nor leſs than one month, unleſs the forfeiture be ſooner paid; and if within ſeven days before the expiration of the time for which he is committed, the forfeiture be not paid, the juſtice is to order him to be publicly whipped twice or oftener; and the ſaid forfeitures of 20 *l.* and 40 *l.* when recovered after ſatisfaction made thereout to the parties injured, with coſts, ſhall be equally diſtributed amongſt the poor of the pariſh where the perſon convicted reſides.

XXXVI. *Sect.* 3. Provided that any perſon convicted of buying or receiving any of the materials before-mentioned, ſhall have liberty to appeal to the next general or quarter ſeſſions of the peace, for the county or place where ſuch judgement ſhall have been given; and execution ſhall be ſuſpended, the perſon convicted entering into a recognizance at the time of conviction, with two ſureties, in double the ſum adjudged, upon condition to proſecute ſuch appeal, and to be forth coming to abide the judgement of the ſeſſions; which recognizance the juſtice before whom ſuch conviction ſhall be is to take; and the juſtices in ſeſſions are finally to determine the appeal, and award coſts to either party; and if the judgement of the juſtice be affirmed, the appellant ſhall pay the ſum adjudged with the coſts of the appeal; or in default of payment ſhall ſuffer the pains inflicted upon perſons who neglect to pay the forfeitures impoſed upon receivers of materials imbezilled.

XXXVII. *Sect.* 4. The juſtice before whom the conviction ſhall be may iſſue a warrant impowering any perſon in the preſence of a conſtable or headborough, and in the day time, to ſearch the houſes and other places belonging to the perſon convicted, and to bring ſuch materials aforeſaid as ſhall be found, before the ſaid juſtice to be detained; and if within 24 days it ſhall appear to the juſtice that the perſon from whoſe houſes, *&c.* the materials ſhall be ſo taken, is the owner and came to the poſſeſſion of them in an honeſt manner, then ſuch materials ſhall be reſtored to him, but if it ſhall not ſo be made appear within the time before limited, then the materials ſhall be deemed imbezilled; and the juſtice may direct ſuch materials to be ſold, and the money ariſing by ſuch ſale (the charges of ſale being firſt deducted) to be equally diſtributed amongſt the poor of the pariſh where the perſon convicted reſides.

XXXVIII. *Sect.* 5. Provided that the ſaid juſtice ſhall within three days after ſuch materials ſhall be brought to him, give notice under his hand and ſeal to the perſon convicted, appointing a time and place for him to prove his property; which time ſhall be within 21 days, and not leſs than 18 days after ſuch notice; and if the perſon ſo convicted be in any priſon the juſtice ſhall cauſe a copy of the ſaid notice, atteſted under his hand and ſeal, to be delivered to the keeper of ſuch priſon; which keeper is to bring before ſuch juſtice the perſon named in ſuch notice, at

the time and place ſpecified, if he be then in the cuſtody of ſuch keeper; and if any ſuch keeper neglect ſo to do, he ſhall forfeit to the perſon named in ſuch notice, the value of the materials ſo detained, and ſold; to be recovered by diſtreſs and ſale of goods by warrant of the juſtice ſigning ſuch notice, in caſe the ſaid forfeiture be not immediately paid.

XXXIX. *Sect.* 6. Provided that any perſon aggrieved by the judgement of the juſtice relating to the ſale of the ſaid materials, may appeal to the next general or quarter ſeſſion of the peace for the ſame county, *&c.* and the ſale of ſuch materials ſhall be poſtponed; notice under the hand of the perſon intending to appeal, being given to the juſtice by whom ſuch order is made, before the time appointed for the ſale; and the juſtices in ſeſſions are to examine witneſſes upon oath (or being *Quakers*, upon affirmation) and finally to determine the appeal; and in caſe the appellant ſhall not proſecute his appeal, or the judgement be affirmed, the juſtices in ſeſſions may award coſts to the defendant.

XL. *Sect.* 7. If any perſon entruſted with the materials before-mentioned to work up, ſhall not uſe ſuch materials in manufacturing of the ſame, and ſhall neglect for 21 days after ſuch materials ſhall be manufactured, to return (if required by the owner) ſo much as ſhall not be uſed, ſuch neglect ſhall be deemed an imbezilling; and the perſon ſo neglecting being convicted, ſhall ſuffer the like puniſhment as perſons convicted of imbezilling.

XLI. *Sect.* 8. Any juſtice of the peace of any county, *&c.* ſhall upon complaint upon oath, or (if a *Quaker*) affirmation, of any offence againſt this act within the ſame county, *&c.* iſſue his warrant for bringing before him, or any other juſtice of the ſame county, *&c.* the perſon charged with ſuch offence; and the juſtice before whom ſuch perſon ſhall be brought, is to determine ſuch complaint, and to proceed to conviction and judgement.

XLII. *Sect.* 9. If any perſon hired or employed to work up any of the manufactures of felts or hats, and in the woollen, linen, fuſtian, cotton, iron, mohair, furr, hemp, flax, or ſilk manufactures, or of any of the ſaid materials mixed one with another, for one maſter, ſhall neglect the performance thereof by procuring himſelf to be ſubſequently employed by any other perſon, before he has completed the work he was firſt hired to perform, and which was firſt delivered to him, the perſon ſo offending, being convicted by the oath, or (if a *Quaker*) affirmation, of one witneſs before a juſtice of peace of the county, *&c.* where the offence is committed, ſhall be ſent to the houſe of correction, to be kept to hard labour for any time not exceeding one month.

XLIII. *Sect.* 10. This act ſhall not repeal any of the proviſions contained in 13 & 14 *Car.* 2. *cap.* 15. or 20 *Car.* 2. *cap.* 6. or 8 & 9 *Will.* 3. *cap.* 36. **Silk.**

XLIV. *Sect.* 11. Provided no perſon ſhall ſuffer puniſhment twice for the ſame fact.

XLV. *Sect.* 12. The 12 *Geo.* 1. *cap.* 34. *ſect.* 1, 2, 3, 4, 5, & 6. **Wooll** and all the proviſions and penalties therein, ſhall extend to journeymen dyers, journeymen hot preſſers, and all other perſons employed in any of the woollen manufactures of this kingdom, and alſo to journeymen, and all perſons employed in the making of felts or hats, or in any of the manufactures of ſilk, mohair, furr, hemp, flax, linen, cotton, fuſtian, iron, or leather, or of any of the ſaid materials mixed one with another.

XLVI. **Stat.** 23 *Geo.* 2. *cap.* 13. *ſect.* 1. If any perſon ſhall contract with or endeavour to ſeduce any artificer in wooll, mohair, cotton, or ſilk, or in iron, ſteel, braſs, or other metal, or any clockmaker, watchmaker, or any other artificer in any other of the manufactures of *Great Britain* or *Ireland*, to go out of this kingdom, or *Ireland*, into any foreign country, not within the dominions of the crown of *Great Britain*; and ſhall be convicted upon indictment or information in the *King's Bench* at *Weſtminſter*, or by indictment at the aſſizes or general gaol delivery for the county, *&c.* wherein ſuch offence ſhall be committed in *England*, or by indictment in the court of juſticiary, or any of the circuit courts in *Scotland*, or by indictment or information in the *King's Bench* at *Dublin*, if ſuch offence be committed in *Ireland*, the perſon ſo convicted, ſhall for every artificer contracted with, or ſeduced, forfeit 500 *l.* and ſhall ſuffer impriſonment in the common gaol of the county or ſtewartry wherein ſuch offender ſhall be convicted, for twelve calendar months,

months, and until ſuch forfeiture be paid; and in caſe of a ſubſequent offence of the ſame kind, the perſon ſo again offending, ſhall forfeit for every perſon contracted with or ſeduced 1000 *l.* and ſuffer impriſonment in the common gaol of the county or ſtewartry wherein ſuch offender ſhall be convicted, for two years, and until ſuch forfeiture be paid.

XLVII. *Sect.* 2. No perſon ſhall be proſecuted for any of the offences aforeſaid, unleſs ſuch proſecution be commenced within twelve calendar months after ſuch offence committed.

XLVIII. *Sect.* 3. If any perſon in *Great Britain* or *Ireland*, ſhall put on board any ſhip or boat not bound directly to ſome port in *Great Britain* or *Ireland*, or to ſome other of the dominions of the crown of *Great Britain*, any ſuch tools or utenſils as are commonly uſed in, or proper for the preparing, working up, or finiſhing of the woollen or ſilk manufactures, or any parts of ſuch tools, he ſhall for every offence forfeit all ſuch tools or parts thereof put on board, and 200 *l.* to be recovered by action of debt, *&c.* in any court of record at *Weſtminſter*, or in the court of ſeſſion in *Scotland*, or at any of the four courts in *Dublin* reſpectively, wherein no eſſoin, *&c.* ſhall be allowed.

XLIX. *Sect.* 4. It ſhall be lawful for any officer of the cuſtoms in *Great Britain*, and for any officer of the revenue in *Ireland*, to ſeize and ſecure in ſome of his Majeſty's warehouſes, all ſuch tools or utenſils prohibited to be exported, as ſuch officer ſhall find on board any veſſel, not bound directly to ſome port in *Great Britain* or *Ireland*, or to ſome other of the dominions of the crown of *Great Britain*; and all tools ſo ſeized ſhall after condemnation be publicly ſold to the beſt bidder, and one moiety of the produce ſhall be to the uſe of his Majeſty, and the other moiety to the officer who ſhall ſeize and ſecure the ſame.

L. *Sect.* 5. If the captain of any veſſel in *Great Britain* or *Ireland*, knowingly permit any of the ſaid tools prohibited to be exported to be put on board his veſſel, he ſhall for every ſuch offence forfeit 100 *l.* to be recovered as the penalties inflicted upon perſons exporting the tools; and if the veſſel belongs to his Majeſty, the captain ſhall not only forfeit 100 *l.* but ſhall alſo forfeit his employment, and be incable of any employment under his majeſty.

LI. *Sect.* 6. If any officer of the cuſtoms in *Great Britain*, or of the revenue in *Ireland*, take, or knowingly ſuffer to be taken, any entry outward, or ſign any cocket or ſufferance for the ſhipping or exporting of any of the ſaid tools, or knowingly ſuffer the ſame to be done, he ſhall forfeit 100 *l.* to be recovered as aforeſaid; and alſo forfeit his office, and be incapable of any office under his Majeſty.

LII. *Sect.* 7. One moiety of the forfeitures ſhall be applied to the uſe of his Majeſty, and the other moiety to the uſe of the perſon who ſhall ſue for the ſame.

LIII. *Sect.* 8. If any action be commenced for what ſhall be done in purſuance of this act, ſuch action ſhall be commenced within ſix months after the fact; and the perſon ſued may file common bail, or enter a common appearance, and plead the general iſſue; and if the plaintiff become nonſuit, *&c.* the defendant ſhall recover treble coſts.

LIV. *Sect.* 9. Juſtices of the peace before whom any perſon ſhall be convicted, in manner preſcribed by 22 *Geo.* 2. *cap.* 27. of buying or receiving the materials or wares therein mentioned, ſhall cauſe ſuch conviction to be drawn up in the form following, *viz.*

Middleſex, To wit, BE *it remembered, that on the day of in the year of his Majeſty's reign*, A. B. *was convicted before me* [*or us*] *of his Majeſty's juſtices of the peace for the ſaid county of* [*or for the riding* [*or diviſion*] *of the ſaid county of or for the city, liberty, or town of in the ſaid county of*] (as the caſe ſhall be) *of buying, receiving, or taking to pawn* (as the caſe ſhall be, ſpecifying the materials or wares) *the property of* C. D. *of in the county of and by him* [*or her*] *delivered to to be manufactured.*

Given under my hand and ſeal [or our hands and ſeals] the day and year aforeſaid.

Which

Which conviction ſhall not be liable to be removed by *certiorari* into the *King's Bench*. And the juſtice before whom ſuch conviction ſhall be, ſhall cauſe the ſame to be written upon parchment, and tranſmitted to the next general or quarter ſeſſions for the county or liberty wherein ſuch conviction was had, to be filed and kept amongſt the records of the ſeſſions. And in caſe the perſon convicted appeal to the ſeſſions, the juſtices in ſeſſions are upon receiving the conviction to proceed to the determination of the appeal, according to the ſaid act.

Marriages.

XIV. **Stat.** 26 *Geo.* 2. *cap.* 33. *ſect.* 1. All banns of matrimony ſhall be publiſhed in an audible manner in the pariſh church, or in ſome public chapel, in which banns of matrimony have been uſually publiſhed, belonging to ſuch pariſh or chapelry wherein the perſons to be married dwell; according to the form preſcribed by the rubrick prefixed to the office of matrimony in the book of Common Prayer; upon three *Sundays* preceding the ſolemnization of marriage, during the time of morning ſervice, (or of evening ſervice, if there be no morning ſervice in ſuch church or chapel upon any of thoſe *Sundays*) immediately after the ſecond leſſon: and when the perſons to be married dwell in divers pariſhes or chapelries, the banns ſhall be publiſhed in the church or chapel belonging to ſuch pariſh or chapelry wherein each of them dwell: and where both or either of the perſons to be married dwell in any extraparochial place having no church or chapel wherein banns have been uſually publiſhed, then the banns ſhall be publiſhed in the pariſh church or chapel belonging to ſome pariſh or chapelry adjoining to ſuch extraparochial place. And where banns ſhall be publiſhed in any church or chapel belonging to any pariſh adjoining to ſuch extraparochial place, the parſon, vicar, miniſter, or curate, publiſhing ſuch banns, ſhall under his hand certify the publication thereof, in ſuch manner as if either of the perſons to be married dwelt in ſuch adjoining pariſh. And all other rules preſcribed by the ſaid rubrick, concerning the publication of banns and the ſolemnization of matrimony, not hereby altered, ſhall be obſerved. And in all caſes where banns ſhall have been publiſhed, the marriage ſhall be ſolemnized in one of the pariſh churches or chapels where ſuch banns have been publiſhed.

XV. *Sect.* 2. No parſon, vicar, miniſter, or curate, ſhall be obliged to publiſh the banns of matrimony between any perſons, unleſs the perſons to be married ſhall ſeven days before the time required for the firſt publication of ſuch banns, cauſe to be delivered to ſuch parſon, *&c.* a notice in writing of their chriſtian and ſurnames, and of their reſpective abodes within ſuch pariſh, chapelry, or extraparochial place, and of the time during which they have dwelt in ſuch houſes reſpectively.

XVI. *Sect.* 3. No parſon, *&c.* ſolemnizing marriages between perſons, both or one of whom ſhall be under the age of 21 years, after banns publiſhed, ſhall be puniſhable by eccleſiaſtical cenſures, for ſolemnizing ſuch marriages without conſent of parents or guardians, whoſe conſent is required by law, unleſs ſuch parſon, *&c.* have notice of the diſſent of ſuch parents or guardians. And in caſe ſuch parents or guardians, or one of them, publickly cauſe to be declared, in the church or chapel where the banns ſhall be ſo publiſhed, at the time of ſuch publication, their diſſent to ſuch marriage, ſuch publication of banns ſhall be void.

XVII. *Sect.* 4. No licence of marriage ſhall be granted by any perſon having authority to grant ſuch licences, to ſolemnize any marriage in any other church or chapel, than in the pariſh church or public chapel belonging to the pariſh or chapelry, within which the uſual place of abode of one of the perſons to be married ſhall have been for four weeks immediately before the granting of ſuch licence; or where both or either of the parties to be married dwell in any extraparochial place having no church or chapel wherein banns have been uſually publiſhed, then in the pariſh church or chapel belonging to ſome pariſh or chapelry adjoining to ſuch extraparochial place.

XVIII. *Sect.* 5. All pariſhes where there ſhall be no pariſh church or chapel, or none wherein divine ſervice ſhall be uſually celebrated every *Sunday*, may be deemed extraparochial places for the purpoſes of this act.

XIX. *Sect.* 6. Nothing herein contained ſhall deprive the archbiſhop of *Canterbury* and his officers, of the right which hath hitherto been uſed, in virtue of 25 *Hen.* 8. *cap.* 21. Rome XXXVII. XLI. of granting ſpecial licences to marry at any convenient time or place.

XX. *Sect.* 7. No ſurrogate deputed by any eccleſiaſtical judge, who hath power to grant licences of marriage, ſhall grant any ſuch licence, before he hath taken an oath before the ſaid judge faithfully to execute his office according to law to the beſt of his knowledge, and hath given ſecurity by his bond in the ſum of 100 *l.* to the biſhop of the dioceſe, for the faithful execution of his office.

XXI. *Sect.* 8. If any perſon ſhall ſolemnize matrimony in any other place than a church or public chapel, where banns have been uſually publiſhed, unleſs by ſpecial licence from the archbiſhop of *Canterbury*; or ſhall ſolemnize matrimony without publication of banns, unleſs licence of marriage be firſt obtained from ſome perſon having authority to grant the ſame; every perſon wilfully ſo offending and convicted ſhall be adjudged guilty of felony, and ſhall be tranſported to ſome of his Majeſty's plantations in *America*, for 14 years, according to the laws for tranſportation of felons. And all marriages ſolemnized in any other place than a church or ſuch public chapel, unleſs by ſpecial licence as aforeſaid, or without publication of banns, or licence of marriage from a perſon having authority to grant the ſame, ſhall be void.

XXII. *Sect.* 9. All proſecutions for ſuch felony ſhall be commenced within three years after the offence committed.

XXIII. *Sect.* 10. After the ſolemnization of any marriage under a publication of banns, it ſhall not be neceſſary in ſupport of ſuch marriage, to give any proof of the dwelling of the parties in the reſpective pariſhes or chapelries wherein the banns were publiſhed; or where the marriage is by licence, it ſhall not be neceſſary to give any proof that the uſual place of abode of one of the parties, for four weeks as aforeſaid, was in the pariſh or chapelry where the marriage was ſolemnized; nor ſhall any evidence in either of the ſaid caſes be received to prove the contrary in any ſuit touching the validity of ſuch marriage.

XXIV. *Sect.* 11. All marriages ſolemnized by licence, where either of the parties, not being a widower or widow, ſhall be under the age of 21 years, which ſhall be had without the conſent of the father of ſuch of the parties ſo under age, if living, or if dead, of the guardians of the perſon of the party ſo under age, or one of them; and in caſe there be no ſuch guardian then of the mother, if living and unmarried; or if there be no mother living and unmarried, then of a guardian of the perſon appointed by the court of *Chancery*, ſhall be void.

XXV. *Sect.* 12. In caſe any ſuch guardian or mother or any of them, whoſe conſent is made neceſſary, ſhall be *Non Compos Mentis*, or beyond the ſeas, or ſhall refuſe their conſent to the marriage, it ſhall be lawful for any perſon deſirous of marrying, in any of the before-mentioned caſes, to apply by petition to the lord chancellor, who is hereby impowered to proceed upon ſuch petition in a ſummary way; and in caſe the marriage propoſed appear proper, the lord chancellor ſhall judicially declare the ſame to be ſo by an order of court, and ſuch order ſhall be deemed as good as if the guardian or mother of the perſon ſo petitioning, had conſented to ſuch marriage.

XXVI. *Sect.* 13. In no caſe ſhall any ſuit or proceeding be had in any eccleſiaſtical court, to compel a celebration of any marriage *in facie Eccleſiæ*, by reaſon of any contract of matrimony, whether *per vaba de præſenti*, or *per verba de futuro*, entered into after the 25th of *March* 1754.

XXVII. *Sect.* 14. The churchwardens and chapelwardens of every pariſh or chapelry ſhall provide books of vellum, or durable paper, in which all marriages and banns of marriage reſpectively, there publiſhed or ſolemnized, ſhall be regiſtered: and every page thereof ſhall be marked at the top with the number of ſuch page, beginning at the ſecond leaf with number one; and every leaf or page ſo numbered, ſhall be ruled with lines at proper and equal diſtances: and all banns and marriages publiſhed or celebrated in any church or chapel, or within any ſuch pariſh or chapelry, ſhall be regiſtered, printed, or written upon, or as near as may be to ſuch ruled lines; and ſhall be ſigned

by the parſon, vicar, miniſter, or curate, or by ſome other perſon in his preſence, and by his direction: and ſuch entries ſhall be made on or near ſuch lines in ſucceſſive order, where the paper is not damaged or decayed, until a new book ſhall be neceſſary; and then the directions aforeſaid ſhall be obſerved in every ſuch new book. And all books provided as aforeſaid, ſhall belong to every ſuch pariſh or chapelry reſpectively, aud ſhall be carefully preſerved for public uſe.

XXVIII. *Sect.* 15. All marriages ſhall be ſolemnized in the preſence of two witneſſes, beſides the miniſter who ſhall celebrate the ſame. And immediately after the celebration of every marriage, an entry thereof ſhall be made in ſuch regiſter; in which it ſhall be expreſſed, that the ſaid marriage was celebrated by banns or licence; and if both or either of the parties married by licence be under age, with conſent of the parents or guardians, as the caſe ſhall be; and ſhall be ſigned by the miniſter with his proper addition, and alſo by the parties married, and atteſted by ſuch two witneſſes; which entry ſhall be in the form or to the effect following, *viz.*

A. B. of [the / this] Pariſh
and *C. D.* of [the / this] Pariſh
were married in this [Church / Chapel] by [Banns / Licence] with Conſent of [Parents / Guardians] this Day of
in the Year

by me *J. J.* [Rector / Vicar / Curate]

This Marriage was ſolemnized between us *A. B.* / *C. D.* in the Preſence of *E. F.* / *G. H.*

XXIX. *Sect.* 16. If any perſon ſhall with intent to elude this act, wilfully inſert, or cauſe to be inſerted, in the regiſter book of ſuch pariſh or chapelry any falſe entry of any thing relating to any marriage; or falſely make, alter, forge, or counterfeit, or cauſe to be falſely made, *&c.* or aſſiſt in falſely making, *&c.* any ſuch entry in ſuch regiſter; or falſely make, *&c.* or cauſe to be falſely made, *&c.* or aſſiſt in falſely making, *&c.* any ſuch licence of marriage as aforeſaid; or publiſh as true any ſuch falſe, altered, forged, or counterfeited regiſter, or a copy thereof, or any ſuch falſe, *&c.* licence of marriage, knowing ſuch regiſter or licence of marriage reſpectively to be falſe, *&c.* or if any perſon ſhall wilfully deſtroy, or cauſe to be deſtroyed, any regiſter book of marriages, or any part of ſuch regiſter book, with intent to avoid any marriage, or to ſubject any perſon to any of the penalties of this act; every perſon ſo offending, and being convicted, ſhall be adjudged guilty of felony, and ſhall ſuffer death.

XXX. *Sect.* 17. This act ſhall not extend to the marriages of any of the royal family.

XXXI. *Sect.* 18. Nothing in this act ſhall extend to *Scotland*; nor to any marriages amongſt *Quakers*, or amongſt perſons profeſſing the *Jewiſh* religion, where both the parties to ſuch marriage ſhall be *Quakers*, or perſons profeſſing the *Jewiſh* religion; nor to any marriages ſolemnized beyond the ſeas.

Militia.

The Militia act 30 Geo. 2. cap. 25. *is expired; and therefore is omitted here. The new act for regulating the Militia* 2 Geo. 3. cap. 20. *and the ſubſequent amendments of it, are poſterior to the period of this abridgment.*

Money.

LXXVII. **Stat.** 15 *Geo.* 2. *cap.* 28. *ſect.* 1. If any perſon waſh, gild, or colour any lawful ſhilling or ſixpence or any counterfeit ſhilling or ſixpence, or add to or alter the impreſſion of ſuch coins, with intent to make ſuch ſhilling reſemble or paſs for a guinea, or ſuch ſixpence paſs for an half guinea; or file, or alter, waſh or colour any halfpenies or farthings, or add to or alter the impreſſion of an halfpeny or farthing, with intent to make an halfpeny paſs for a ſhilling, or a farthing paſs for a ſixpence, the perſon ſo offending, their counſellors, aiders, and procurers, ſhall be adjudged guilty of high treaſon.

LXXVIII. *Sect.* 2. If any perſon utter or tender in payment any falſe or counterfeit money, knowing the ſame to be ſo, and be convicted, he ſhall ſuffer ſix months impriſonment, and find ſureties for his good behaviour for ſix months more, and if the ſame perſon be convicted a ſecond time, he ſhall ſuffer two years impriſonment, and find ſureties for his good behaviour for two years more, and if the ſame perſon offend a third time and be convicted, he ſhall be adjudged guilty of felony without benefit of clergy.

LXXIX. *Sect.* 3. If any perſon utter or tender in payment, any falſe or counterfeit money, knowing the ſame to be ſo, and either the ſame day, or within 10 days then next, utter, *&c.* any more or other falſe or counterfeit money, knowing the ſame to be ſo, or at the time of ſuch uttering have about him in his cuſtody, one or more pieces of counterfeit money, beſides what was ſo uttered, ſuch perſon ſhall be deemed a common utterer of falſe money; and being convicted ſhall ſuffer a year's impriſonment, and find ſureties for his good behaviour for two years more; and if ſuch perſon again utter, *&c.* any falſe or counterfeit money, knowing the ſame to be ſo, being convicted he ſhall be adjudged guilty of felony without benefit of clergy.

LXXX. *Sect.* 4. The perſon convicted of any of the treaſons and felonies before mentioned ſhall ſuffer death: but the blood of his heirs ſhall not be corrupted, nor his wife forfeit her dower.

LXXXI. *Sect.* 5. Perſons guilty of any of the treaſons, felonies or crimes aforeſaid, ſhall be indicted, arraigned, tried, and convicted by ſuch like evidence, and in ſuch manner as is now uſed againſt any offenders for counterfeiting the lawful coin. Provided there be no proſecution for any of the offences made treaſon or felony by this act, unleſs commenced within ſix months next after ſuch offence committed.

LXXXII. *Sect.* 6. If any perſon make, coin, or counterfeit any braſs or copper money, called a *Halfpeny*, or a *Farthing*, ſuch perſon and his aiders, abetters, and procurers being convicted ſhall ſuffer two years impriſonment, and find ſureties for his good behaviour for two years more.

LXXXIII. *Sect.* 7. Whoever ſhall apprehend any perſon who has committed any of the offences hereby made high treaſon or felony, or made or counterfeited any of the copper money aforeſaid, and ſhall proſecute ſuch offender until he be convicted, ſuch proſecutor ſhall receive from the ſheriff of the county or city, where ſuch conviction ſhall be, for every ſuch offender convicted of any of the treaſons or felonies aforeſaid 40 *l.* and for every perſon ſo convicted of counterfeiting any of the ſaid copper money 10 *l.* without paying any fee for the ſame, within one month after ſuch conviction, and demand made by tendering a certificate to the ſheriff or under-ſheriff under the hands of the judge or juſtices before whom ſuch conviction was made, certifying ſuch conviction, and that the offender was apprehended and proſecuted by the perſons claiming the reward, and directing in what ſhares the reward ſhall be divided;

vided; which certificate the ſaid judge or juſtices are to give without delay or fee. And if the ſheriff ſhall not pay the reward within the time aforeſaid, he ſhall forfeit to ſuch proſecutors ſeverally, double the ſum by the certificate directed to be ſeverally paid to them, to be recovered by them, or their executors or adminiſtrators, in any court of record at *Weſtminſter*, by action of debt, *&c.* with treble coſts. And ſuch ſheriff ſhall be allowed ſuch rewards upon his accounting, without fee; and if he ſhall not on paſſing ſuch account have money ſufficient to anſwer what has been paid for ſuch rewards, then the ſame ſhall be repaid by the treaſury out of the revenues of the crown, on certificate from the clerk of the pipe.

LXXXIV. *Sect.* 8. Whoever being out of priſon ſhall commit any of the offences aforeſaid, and diſcover two or more perſons, who have committed any of the ſaid offences, ſo as they be convicted, ſuch diſcoverer ſhall have his Majeſty's pardon.

LXXXV. *Sect.* 9. If any perſon be convicted of uttering or tendering any falſe or counterfeit money as aforeſaid, and afterwards be guilty of the like offence, in any other county or city, the clerk of the aſſize, or clerk of the peace for the county, *&c.* where ſuch conviction was, ſhall at the requeſt of the proſecutor, or any other on his Majeſty's behalf, certify the ſame by a tranſcript containing the effect of ſuch conviction; for which certificate 2 *s.* 6 *d.* and no more ſhall be paid; and ſuch certificate being produced in court, ſhall be proof of ſuch former conviction.

LXXXVI. *Sect.* 10. The commiſſioners of the treaſury ſhall order out of the money ariſing by the coinage duty ſuch ſums, for defraying the future expences of the proſecutions of offenders againſt the laws relating to the coin, as they ſhall ſee fit, provided the ſaid expences do not in one year exceed 600*l.*

LXXXVII. **Stat.** 1 *Geo.* 3. *cap.* 16. *ſect.* 2. It ſhall be lawful for the treaſury, out of the coinage-duties, or any other public ſupplies, to cauſe ſo much money to be applied as ſhall be neceſſary for defraying the expences of the mints of *England* and *Scotland*, by way of impreſt, ſo as the ſame, together with the coinage-duties, do not exceed in one year 15000*l.*

All the acts concerning coinage then in force, are continued by this ſtatute for ſeven years from 1 March 1761. *and to the end of the next ſeſſion of parliament.*

Mortuaries.

VIII. **Stat.** 12 *Ann. ſtat.* 2. *cap.* 6. *ſect.* 1. All cuſtom of paying any mortuary or corſe-preſent, upon the death of any clergyman within the dioceſes of *Bangor*, *Landaff*, St. *David's*, and St. *Aſaph*, ſhall be aboliſhed; and no mortuary ſhall be paid to any biſhop of the ſaid dioceſes.

As a recompence to the biſhop of St. Aſaph, *the rectory* ſine cura *in his collation that firſt became vacant after* 24 June 1714, *was annexed to the biſhoprick. This* ſine cure *was* Northopp.

To the biſhop of Bangor, *the rectory* ſine cura *in his collection that firſt became vacant after paſſing the act. This was* Llanynis *in* Denbyghſhire.

To the biſhop of Landaff, *the treaſureſhip with the prebend thereto annexed to the cathedral church of* Landaff.

To the biſhop of St. David's, *the prebend of* Langamarch, *in the collegiate church of* Brecon.

IX. **Stat.** 28 *Geo.* 2. *cap.* 6. *ſect.* 1. All cuſtom of paying any mortuary or corſe-preſent, upon the death of any clergyman within the archdeaconry of *Cheſter*, ſhall after the firſt vacancy of the rectory of *Waverton* alias *Wareton* in the ſaid archdeaconry, be aboliſhed: and no mortuary ſhall be paid to any biſhop of *Cheſter*, either as diſoceſan, or archdeacon.

As a recompence to the biſhop of Cheſter, *who is alſo archdeacon, the rectory of* Wareton *is annexed to the biſhoprick.*

IX. **Stat.** 25 *Geo.* 2. *cap.* 37. *ſect.* 1. All perſons found guilty of wilful murder, ſhall be executed according to law on the day next but one after ſentence paſſed, unleſs the ſame happen to be *Sunday*, and in that caſe on the *Monday* following.

X. *Sect.* 2. The body of ſuch murderer ſhall, if ſuch conviction and execution be in *Middleſex*, or the city of *London*, or the liberties thereof, be immediately conveyed by the ſheriff or ſheriffs, or their deputy and their officers, to the hall of the ſurgeons company, or ſuch place as the ſaid company ſhall appoint, and be delivered to ſuch perſon as they ſhall appoint, who ſhall give to the ſheriff or his deputy a receipt for the ſame; and the body ſo delivered ſhall be diſſected and anatomized by the ſaid ſurgeons, or ſuch perſon as they ſhall appoint: And in caſe ſuch conviction and execution be in any other county or place in *Great Britain*, the juſtice of aſſize, or other proper judge, ſhall award the ſentence to be put in execution the next day but one after ſuch conviction (except as is before excepted) and the body of ſuch murderer ſhall in like manner be delivered by the ſheriff, or his deputy, and his officers, to ſuch ſurgeon as ſuch judge ſhall direct.

XI. *Sect.* 3. Sentence ſhall be pronounced in open court immediately after the conviction of ſuch murderer, and before the court proceed to any other buſineſs, unleſs the court ſee cauſe for poſtponing the ſame; in which ſentence ſhall be expreſſed not only the uſual judgement of death, but alſo the time for the execution thereof, and the marks of infamy hereby directed, in order to impreſs a juſt horror in the mind of the offender, and on the minds of ſuch as be preſent, of the heinous crime of murder.

XII. *Sect.* 4. After ſentence pronounced, in caſe there appear reaſonable cauſe, it ſhall be lawful for ſuch judge, before whom ſuch criminal ſhall have been ſo tried, to ſtay the execution at his diſcretion; regard being had to the intent of this act.

XIII. *Sect.* 5. It ſhall be in the power of any ſuch judge to appoint the body of ſuch criminal to be hung in chains: but in no caſe the body of any murderer ſhall be buried, unleſs after ſuch body has been anatomized: and every ſuch judge ſhall direct the ſame either to be diſpoſed of as aforeſaid, to be anatomized, or to be hung in chains.

XIV. *Sect.* 6. After conviction and judgement, the gaoler to whom ſuch criminal ſhall be delivered, ſhall confine ſuch priſoner to ſome cell, or ſafe place within the priſon, ſeparate from the other priſoners; and no perſon except the gaoler or his ſervants ſhall have acceſs to ſuch priſoner, without licence under the hand of ſuch judge before whom ſuch offender was tried, or under the hand of the ſheriff, or under ſheriff.

XV. *Sect.* 7. In caſe ſuch judge ſee cauſe to reſpite the execution, he may releaſe any or all the reſtraints or regulations herein directed to be obſerved by the gaoler, by licence in writing ſigned.

XVI. *Sect.* 8. After ſentence, and until execution, ſuch offender ſhall be fed with bread and water only; except in caſe of receiving the ſacrament of the Lord's ſupper, and except in caſe of any violent ſickneſs or wound, in which caſe ſome known phyſician, ſurgeon, or apothecary, may be admitted to adminiſter neceſſaries; the chriſtian and ſurname of ſuch phyſician, *&c.* and his place of abode, being firſt entered in the books of ſuch priſon. And in caſe ſuch gaoler offend againſt, or neglect to put in execution, any of the directions hereby enacted, he ſhall forfeit his office, and be fined 20 *l.* and ſuffer impriſonment until the ſame be paid.

XVII. *Sect.* 9. If any perſon ſhall by force ſet at liberty, or reſcue, or attempt to reſcue or ſet at liberty, any perſon out of priſon, committed for or found guilty of murder, or reſcue, or attempt to reſcue, any perſon convicted of murder going to execution, or during execution, he ſhall be deemed guilty of felony, and ſhall ſuffer death without benefit of clergy.

XVIII. *Sect.* 10. If any perſon after execution, by force reſcue or attempt to reſcue, the body of ſuch offender out of the cuſtody of the ſheriff, or his officers, during the conveyance of ſuch body to any of the places hereby directed, or from the company of ſurgeons, or their ſervants, or from the houſe of any ſurgeon, where the ſame is depoſited; every perſon ſo offending, ſhall be deemed guilty of felony, and be liable to be tranſported to ſome of his Majeſty's colonies in *America*, for ſeven years, and be ſubject to the like puniſhment and conviction, in caſe of returning into *Great Britain*, within the ſaid ſeven years, as other felons.

XIX. *Sect.* 11. Nothing herein ſhall extend to repeal or alter ſo much of 11 *Geo.* 1. *cap.* 26. **Scotland**, *Criminals.* as relates to the ſuſpenſion of the execution of perſons convicted of capital offences in *Scotland*, for the reſpective times in the ſaid act mentioned. *See* **Clergy, Felony, Trial.**

Naturalization.

X. **Stat.** 13 *Geo.* 2. *cap.* 7. *ſect.* 1. All perſons born out of the ligeance of his Majeſty who ſhall reſide ſeven years in any of his Majeſty's colonies in *America*, and ſhall not have been abſent out of the ſaid colonies for more than two months at one time, during the ſaid ſeven years, and ſhall take and ſubſcribe the oaths and declaration appointed by 1 *Geo.* 1. *cap.* 13. **Oaths**, or, being *Quakers*, make and ſubſcribe the declaration of fidelity, and affirm the effect of the abjuration oath appointed by 8 *Geo.* 1. *cap.* 6. **Nonconformiſts** LIV. and make and ſubſcribe the profeſſion of his chriſtian belief, appointed by 1 *W. & M. ſtat.* 1. *cap.* 18. **Nonconformiſts** XXXV. before the chief judge, or other judge of the colony wherein ſuch perſons reſide, ſhall be deemed his Majeſty's natural-born ſubjects; which oath or affirmation, and ſubſcription ſhall be taken and made before ſuch judge in open court, between the hours of nine and twelve in the forenoon; and ſhall be entered in the ſame court, and alſo in the ſecretary's office of the colony wherein ſuch perſon reſides: And every chief judge, or other judges of every reſpective colony, ſhall make an entry thereof in a book, for the doing whereof 2 *s.* and no more ſhall be paid; under the penalty of 10 *l.* of lawful money of *Great Britain* for every neglect: In like manner every ſecretary of the colony ſhall make an entry thereof in a book kept in his office, upon notification to him by the judge, under the like penalty.

XI. *Sect.* 2. No perſon, except *Quakers*, or ſuch as profeſs the *Jewiſh* religion, ſhall be naturalized by this act, unleſs ſuch perſon have received the ſacrament of the Lord's ſupper in ſome proteſtant congregation in *Great Britain*, or ſome of the colonies in *America*, within three months next before his taking the oaths, *&c.* and at the time of taking the oaths, *&c.* produce a certificate ſigned by the perſon adminiſtring the ſacrament, and atteſted by two witneſſes; whereof an entry ſhall be made in the ſecretary's office of the colony, as alſo in the court where the oaths are taken, without fee.

XII. *Sect.* 3. Whenever any *Jew* ſhall preſent himſelf to take the oath of abjuration, in purſuance of this act, the words *upon the true faith of a chriſtian* ſhall be omitted.

XIII. *Sect.* 4. A teſtimonial under the ſeal of any of the colonies, of any perſons having reſided ſeven years within ſome of the ſaid colonies to be ſpecified in ſuch certificate, with the time of reſidence in each colony, (whereof the colony under the ſeal of which ſuch certificate is given to be one) and of his having taking the oaths, *&c.* and in caſe of a *Quaker*, made the declaration of fidelity, and affirmed the effect of the abjuration oath, and in the caſe of a *Jew*, taken the oath of abjuration, within the ſame colony, under the ſeal whereof ſuch certificate is given, ſhall be deemed proof thereof, and of his being a natural born ſubject of *Great Britain*.

XIV. *Sect.* 5. Every ſecretary of the reſpective colonies ſhall at the end of every year to be computed from the firſt of *June* 1740, tranſmit to the office of the commiſſioners for trade and plantations in *London* or *Weſtminſter*, a liſt of the names of all perſons who have intitled themſelves to the benefit of this act, under the penalty of

50*l.* of lawful money of *Great Britain*, for every neglect: All which lists so transmitted shall be entered by the said commissioners in a book to be kept in their office for public inspection.

XV. *Sect.* 6. No person who shall become a natural born subject by virtue of this act, shall be of the privy council, or a member of either house of parliament, or capable of taking any office of trust in *Great Britain* or *Ireland*, civil or military, or any grant from the crown to himself, or any other in trust for him, of any lands or hereditaments in *Great Britain* or *Ireland*.

XVI. **Stat.** 20 *Geo.* 2. *cap.* 44. *sect.* 1. All foreign protestants, who conscientiously scruple the taking of an oath, and who are born out of the ligeance of his Majesty, who have or shall reside for seven years in any of his Majesty's colonies in *America*, and shall not have been absent out of some of the said colonies longer than two months at one time during the said seven years, and shall make and subscribe the declaration of fidelity, and affirm the effect of the abjuration oath prescribed by 8 *Geo.* 1. *cap.* 6. **Nonconformists** LIV. and subscribe the profession of christian belief prescribed by 1 *W. & M. cap.* 18. **Nonconformists** XXXV. before the chief judge or other judge of the colony wherein they reside, shall be deemed natural born subjects of this kingdom, and the taking such affirmation, and making such declaration, shall be in such manner and place, and at such times, and such entries made thereof, and for the same fees, and under the same penalties, as in the 13 *Geo.* 2. *cap.* 7. and lists of the persons who shall take the benefit of this act, shall be transmitted to the commissioners of trade and plantations, in like manner, and under the same penalties, as lists of the persons taking the benefit of the said act.

XVII. *Sect.* 2. No person shall be naturalized by virtue of this act, unless he have received the sacrament of the Lord's supper, in some protestant congregation, within some of the colonies in *America*, within three months next before his making such affirmation and declaration, and at the time of making such affirmation, *&c.* produce a certificate signed by the person administering the sacrament and attested by two witnesses; whereof an entry shall be made in the secretary's office of the colony wherein he resides, as also in the court where the affirmation is taken, without fee.

XVIII. *Sect.* 3. The provisions contained in the 13 *Geo.* 2. *cap.* 7. with regard to certificates of residence, and of having made the said declaration, and affirmation, and as to such certificates being evidence in the courts of *Great Britain* and *Ireland*, and in the colonies, and all other benefits of the said act, shall extend to foreign protestants who scruple the taking of an oath and shall be qualified as aforesaid.

XIX. *Sect.* 4. The said foreign protestants shall enjoy the privileges of natural born subjects, and all the benefits of this act, and the 13 *Geo.* 2. *cap.* 7.

XX. *Sect.* 5. Provided no person who shall become a natural born subject by this act, shall be of the privy council, or a member of either house of parliament, or capable of taking or enjoying any office of trust in *Great Britain* or *Ireland*, civil or military, or any grant from the crown to himself, or to any other in trust for him, of any lands or hereditaments in *Great Britain* or *Ireland*.

XXI. *Sect.* 6. Nothing in this act, or in the 13 *Geo.* 2. *cap.* 7. shall extend to naturalize any person who by 4 *Geo.* 2. *cap.* 21. is declared not intitled to the benefit of 7 *Ann. cap.* 5. but all such persons shall remain in the same condition as they would have been in, if the 13 *Geo.* 2. *cap.* 7. or this act, had never been made.

XXII. **Stat.** 22 *Geo.* 2. *cap.* 45. *sect.* 8. Every person born out of the ligeance of his Majesty, being a protestant, who shall serve three years on board any ship so fitted out as is directed by the 6 *Geo.* 2. *cap.* 33. or by this act, [*See* **Greenland.**] and employed in the whale fishery in the *Greenland* seas, or *Davis's Streights*, and the adjacent seas, and who shall take the oaths, and subscribe the declaration appointed by 1 *Geo.* 1. *cap.* 13. in any of the courts of *Chancery*, *King's Bench*, *Common Pleas*, or *Exchequer*, in term time in *England*, or before the lords of the council

council and ſeſſion, or lords juſticiary, or barons of the *Exchequer* in *Scotland*, or at ſome general quarter ſeſſions of the peace for the county where ſuch perſon inhabits, between 9 and 12 in the forenoon; the taking which oaths and declaration, ſhall be entered on record in the ſame courts, for the doing whereof, only 1 *s.* ſhall be paid; every ſuch perſon ſhall be deemed a natural born ſubject of this kingdom.

XXIII. *Sect.* 9. No perſon ſhall be naturalized by virtue of this act, unleſs he have received the ſacrament of the Lord's ſupper in ſome proteſtant or reformed congregation in his Majeſty's dominions, within three months next before his taking ſuch oaths, *&c.* and at the time of his taking ſuch oaths, *&c.* produce a certificate ſigned by the perſon adminiſtering the ſacrament, and atteſted by two witneſſes, whereof an entry ſhall be made in the court where ſuch oaths are taken, without fee, and alſo produce a certificate at the ſame time, under the hands of the owner and maſter of the ſhip in which he ſerved, of his integrity and good behaviour during ſuch ſervice.

XXIV. *Sect.* 10. No perſon who ſhall become a natural born ſubject by virtue of this act, ſhall be of the privy council, or a member of either houſe of parliament, or capable of taking any office in *Great Britain* or *Ireland*, civil or military; or any grant to himſelf, or other in truſt for him, of any lands or hereditaments in *Great Britain* or *Ireland*.

XXV. *Sect.* 11. Nothing in this act ſhall extend to naturalize any perſons who by 4 *Geo.* 2. *cap.* 21. are declared not intitled to the benefit of the 7 *Ann. cap.* 5.

XXVI. *Sect.* 12. If any perſon ſo naturalized by this act, ſhall go out of *Great Britain* or *Ireland*, or the plantations in *America*, for more than 12 months at one time, he ſhall loſe the benefit of this act.

XXVII. **Stat.** 25 *Geo.* 2. *cap.* 39. *ſect.* 1. The 11 & 12 *Will.* 3. *cap.* 6. ſhall not extend to give any right to any perſon to inherit as heir or coheir to any perſon dying ſeiſed of any manors, lands, or hereditaments, in poſſeſſion, reverſion, or remainder, by enabling any ſuch perſon to derive his pedigree through any alien anceſtor, unleſs the perſon ſo claiming or deriving his title as heir was in being and capable to take the ſame eſtate as heir by virtue of the ſaid ſtatute, at the death of the perſon who ſhall ſo laſt die ſeiſed, and to whom he ſhall ſo claim to be heir by the ſaid ſtatute.

XXVIII. *Sect.* 2. Provided that in caſe the perſon who ſhall be in being, and capable to take at the death of the anceſtor ſo dying ſeiſed, and upon whom the deſcent ſhall be caſt by virtue of this, or of the ſaid act, ſhall be daughter of an alien, and the alien father or mother, through whom ſuch deſcent ſhall be derived, ſhall afterwards have a ſon born within any of his Majeſty's dominions, the deſcent ſo caſt upon ſuch daughter ſhall be diveſted in favour of ſuch ſon; and ſuch ſon ſhall inherit and take the eſtate as is allowed by the common law of this realm, in caſes of the birth of a nearer heir; or in caſe ſuch father or mother ſhall have no ſon, but ſhall have one or more daughters afterwards born within any of his Majeſty's dominions, the daughters ſo born afterwards, ſhall inherit and take in coparcenary with the daughter, upon whom the deſcent ſhall be caſt at the death of the anceſtor laſt ſeiſed.

Niſi prius.

XI. **Stat.** 24 *Geo.* 2. *cap.* 18. *ſect.* 5. It ſhall be lawful for the chief juſtice of the *King's Bench*, the chief juſtice of the *Common Pleas*, and the chief baron of the *Exchequer*, and in the abſence of any of them, for any other judge or baron of the ſaid courts, as juſtices of *niſi prius* for the county of *Middleſex*, at any time within 14 days after the end of any term, to try all ſuch iſſues as by the 18 *Eliz. cap.* 12. & 12 *Geo.* 1. *cap.* 31. they are enabled to try.

Nonconformists.

Nonconformists.

LVII. Stat. 22 *Geo.* 2. *cap.* 30. *ſect.* 1. Every member of the proteſtant epiſcopal church, known by the name of *Unitas Fratrum*, or the *United Brethren*, who ſhall be required to take an oath, ſhall inſtead of the uſual form, be permitted to make his ſolemn affirmation in theſe words following:

I A. B. *do declare in the preſence of Almighty God, the witneſs of the truth of what I ſay.*

Which affirmation ſhall be of the ſame force in all courts of juſtice, and other places where by law an oath is required in *Great Britain* and *Ireland*, and in his Majeſty's dominions in *America*, as if ſuch perſon had taken an oath in the uſual form.

LVIII. *Sect.* 2. Any perſon making ſuch affirmation who ſhall be convicted, wilfully, falſely, and corruptly to have affirmed any thing, which if depoſed on oath would have amounted to wilful and corrupt perjury, ſhall incur the ſame penalties as perſons convicted of wilful and corrupt perjury.

LIX. *Sect.* 3. No perſon being of the ſaid church ſhall by this act be qualified to give evidence in any criminal cauſes, or to ſerve on juries.

LX. *Sect.* 4. Every member of the ſaid church who ſhall reſide in any of the colonies in *America*, and be ſummoned to bear arms, or do military ſervice, in the ſaid colonies, ſhall on application to the governor or commander in chief of the ſaid colony, or to ſuch officer by whom he is ſummoned, be diſcharged from ſuch perſonal ſervice; provided he contribute ſuch ſum as ſhall be aſſeſſed on him in lieu of ſuch perſonal ſervice, ſo as ſuch ſum be in ſuch proportion as is uſually paid by other perſons reſiding in the ſame colony, who are by age, ſex, or other infirmity, unable to do perſonal ſervice, and are poſſeſſed of eſtates of the ſame nature as the perſons deſiring ſuch diſcharge.

LXI. *Sect.* 5. Every perſon who ſhall claim the benefit of this act, ſhall when he makes ſuch claim, produce a certificate ſigned by ſome biſhop of the ſaid church, or by the paſtor of ſuch church or congregation neareſt to the place where ſuch claim is made; and ſhall be examined concerning the ſaid certificate, and the execution thereof; and ſuch perſon ſo affirming to the beſt of his knowledge and belief in manner before-mentioned, or proving by the teſtimony of other legal witneſs that the ſaid certificate was duly executed by ſuch biſhop or paſtor, and affirming that he is a member of the ſaid church, ſhall be deemed a member of the ſaid church, and be intitled to the benefit of this act.

LXII. *Sect.* 6. Any perſon convicted of having wilfully, falſely, and corruptly affirmed that ſuch certificate was duly executed, or that he is a member of ſuch church, ſhall incur the ſame penalties as perſons convicted of wilful and corrupt perjury.

LXIII. *Sect.* 7. The advocate of the ſaid church ſhall lay before *The commiſſioners for trade and plantations*, to remain in their office, a liſt of all the biſhops of the ſaid church appointed by them to grant certificates, with their hand writing, and uſual ſeal; and the ſaid advocate ſhall ſend to the commiſſioners for trade and plantations, the names, hand-writing, and ſeals of any biſhops hereafter conſecrated and appointed as aforeſaid, and the names of paſtors authorized by the ſaid advocate or biſhops to give certificates in any of the colonies in *America*.

LXIV. *Sect.* 8. This act ſhall be deemed a public act.

LXV. Stat. 22 *Geo.* 2. *cap.* 46. *ſect.* 36. In all caſes wherein by any act of parliament now in force, or hereafter to be made, an oath is required, the affirmation of a quaker in the form preſcribed by 8 *Geo.* 1. *cap.* 6. ſhall be allowed inſtead of ſuch oath; although no expreſs proviſion be made for that purpoſe in ſuch act: and if any perſon making ſuch affirmation, ſhall be convicted of having wilfully falſely and corruptly affirmed any thing, which if depoſed upon oath would have amounted

to wilful and corrupt perjury, he ſhall incur the like pains and penalties, as by law are inflicted on perſons convicted of wilful and corrupt perjury.

LXVI. *Sect.* 37. Provided that no quaker ſhall by virtue of this act, be qualified to give evidence in any criminal caſes, or to ſerve on juries, or to bear any office or place of profit in the government.

See **Recuſants, Service and ſacraments.**

Nonſuit.

II. **Stat.** 14 *Geo.* 2. *cap.* 17. *ſect.* 1. Where any iſſue is joined in any action at law in any court of record at *Weſtminſter*, the court of great ſeſſion for the principality of *Wales*, the court of great ſeſſion for the county palatine of *Cheſter*, the court of common pleas for the county palatine of *Lancaſter*, or the court of pleas for the county palatine of *Durham*, and the plaintiff ſhall neglect to bring ſuch iſſue on to be tried according to the courſe of the ſaid courts, it ſhall be lawful for the judges of the ſaid courts reſpectively, upon motion in open court (due notice having been given thereof) to give the like judgment for the defendant as in caſes of nonſuit; unleſs the judge ſhall upon reaſonable terms allow further time for the trial of ſuch iſſue; and if the plaintiff neglect to try ſuch iſſue within the time allowed, then the judge ſhall give ſuch judgment as aforeſaid.

III. *Sect.* 2. All judgments given by virtue of this act, ſhall be of the like effect as judgments upon nonſuit.

IV. *Sect.* 3. The defendant ſhall upon ſuch judgment be awarded his coſts, in any action where he would upon nonſuit be intitled to the ſame.

V. *Sect.* 4. No indictment, information, or cauſe ſhall be tried at *niſi prius* before any judge of aſſize, or *niſi prius*, or at the ſittings in *London* or *Weſtminſter*, where the defendant reſides above 40 miles from the ſaid cities reſpectively, unleſs notice of trial in writing has been given 10 days before.

VI. *Sect.* 5. In caſe any party ſhall have given ſuch notice of trial, and ſhall not afterwards duly countermand the ſame in writing ſix days before ſuch intended trial, every ſuch party ſhall be obliged to pay unto the party to whom ſuch notice was given, the like coſts as if ſuch notice had not been countermanded.

Orphans.

XXVI. **Stat.** 21 *Geo.* 2. *cap.* 29. *ſect.* 1. The impoſition of 6 *d.* for every chaldron or ton of coals imported into the port of *London*, or of the river *Thames* within the liberty of the ſaid city, granted by the 5 & 6 *Will.* & *Mar. cap.* 10. to the mayor commonalty and citizens of *London*, during 50 years from 29 *September* 1700, for the purpoſes therein mentioned, ſhall be continued for the further term of thirty five years, from the expiration of the ſaid 50 years; and all the powers and proviſions in the ſaid act, for levying the ſaid impoſition, and all the penalties and regulations therein made ſhall remain in force and be exerciſed for the levying the ſaid impoſition, during all the time by this act limited, all which monies received upon account of the ſaid impoſition ſhall be paid into the chamber of *London*, and be appropriated to the purpoſes herein after declared, *viz.* the yearly ſum of 3000 *l.* for the ſaid 35 years, ſhall be paid by the chamberlain out of the produce of the ſaid impoſition, to the wardens and commonalty of *Mercers* of *London*, by half-yearly payments, *viz.* on the 25th of *March*, and the 29th of *September*, or within 14 days after; to be applied by them towards payment of annuities, and other debts, as by any act of parliament is or ſhall be directed; and the reſidue of the produce of the ſaid impoſition, during the ſaid 35 years, ſhall make part of the aforeſaid fund, for paying the intereſt on the debt owing to the orphans and other creditors of the city of *London*; as the preſent impoſition of 6 *d.* on every chaldron of coals imported as aforeſaid is appropriated.

Orphans.

XXVII. *Sect.* 2. After the ſaid 29th of *September* 1750, all the lands, *&c.* markets, fairs, and other revenues of the city of *London*, ſhall be charged with the yearly ſum of 2000 *l.* and no more (over and above the ſaid yearly ſum of 8000 *l.*) which is to be applied to the ſame uſes as the ſaid yearly ſum of 8000 *l.*

XXVIII. *Sect.* 3. The court of mayor and aldermen of *London* ſhall be impowered and directed to order the chamberlain, out of any monies in his hands, ariſing from the impoſitions appropriated to pay the intereſt on the debt due to the orphans, and other creditors of the ſaid city, after reſerving ſufficient monies to pay all intereſt at that time due, to pay to any perſon the ſaid court ſhall think fit, ſuch ſum as ſhall be due to him or her for principal and intereſt by virtue of the ſaid act, giving three months notice to the perſon ſo to be paid off, at the end of which three months, upon payment or tendering of the principal and intereſt, to the perſon to whom ſuch notice ſhall be given, at the office of the ſaid chamberlain in *Guildhall London*, from thenceforth the intereſt payable to ſuch perſon ſhall ceaſe, nevertheleſs the monies ſo tendered ſhall be paid to ſuch perſon upon their demand, and giving a diſcharge.

XXIX. *Sect.* 4. No perſon being an orphan of the city of *London* under the age of 21 years, ſhall have the principal debt due to ſuch orphan paid off, ſo long as there ſhall be any perſon, not an orphan under the age of 21 years, proprietor of any part of the ſaid principal debt.

XXX. *Sect.* 5. The chamberlain of *London* ſhall every year lay before each houſe of parliament an account of the ſurplus ariſen in that year, to the 24th of *June* preceding, how much applied to the payment of the ſaid principal debt, and how much of the ſaid debt remains unpaid.

XXXI. *Sect.* 6. If any action or information be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue; and if the plaintiff or proſecutor become nonſuit, *&c.* the defendant ſhall recover coſts.

XXXII. *Sect.* 7. This act ſhall be a general act of parliament.

Pardon.

LXII. **Stat.** 20 *Geo.* 2. *cap.* 52. *ſect.* 1. All his Majeſty's ſubjects of *Great Britain*, and all bodies politic, cities, boroughs, *&c.* ſhall be pardoned of all treaſons, miſpriſions of treaſons, felonies, treaſonable and ſeditious words, or libels, leaſing-making, miſpriſions of felony, ſeditious and unlawful meetings, and conventicles, and all offences of *premunire*; and all riots, routs, offences, contempts, treſpaſſes, entries, wrongs, deceipts, miſdemeanors, forfeitures, penalties, and ſums of money, pains of death, pains corporal, and pains pecuniary, and generally of all other things, cauſes, quarrels, ſuits, judgments, and executions which can be by his Majeſty pardoned, and have been done, incurred, *&c.* before the 15th of *June* 1747.

LXIII. *Sect.* 2. This his Majeſty's pardon ſhall be as effectual as if all ſuch offences, *&c.* had been pardoned by expreſs words.

LXIV. *Sect.* 3. The King doth grant to every of his ſubjects all goods, *&c.* by them forfeited by reaſon of any offence, *&c.* done before the 15th of *June* 1747.

LXV. *Sect.* 4. All grants thereof made by any ſuch as have forfeited, and all executions thereof, ſhall be of ſuch force, as if no ſuch forfeiture had been.

LXVI. *Sect.* 5. All his Majeſty's ſubjects may plead this act of pardon for their diſcharge, without fee, but only 16 *d.* to the clerk that ſhall enter ſuch plea.

LXVII. *Sect.* 6. This pardon ſhall be expounded moſt beneficial to the ſubjects.

Excepted out of this act, viz.

All perſons being on the ſaid 15th of *June*, in the ſervice of the Pretender, or who have been in the ſervice of the king of *Spain*, ſince the 19th of *December* 1739, being two months after the declaration of war againſt *Spain*, or who have been in the ſervice of the *French* king, ſince the 29th of *April* 1744, being one month after the *French* king's declaration of war.

LXVIII. *Sect.*

LXVIII. *Sect.* 7. All perſons who levied the war againſt his Majeſty, which began in this realm, in 1745, who have been or ſhall be beyond the ſeas, at any time between the 20th of *July* 1745, and the 15th of *June* 1747.

LXIX. *Sect.* 8. All offences of procuring an invaſion of this realm by any foreign force, or of carrying on a rebellion within the ſame, committed by any perſons who have been beyond the ſeas, at any time between the 20th of *July* 1745, and the 15th of *June* 1747.

LXX. *Sect.* 9. All offences of counterfeiting the great ſeal, privy ſeal, ſign manual, or privy ſignet, the ſeal kept in *Scotland*, the privy ſeal, or ſignet in *Scotland*; all offences of counterfeiting, clipping, waſhing, ſcaling, lightening, impairing, or other unlawful diminiſhing any monies, or in making or mending any tool for coining.

LXXI. *Sect.* 10. Offences of bringing into this realm any falſe or counterfeit money, and uttering ſuch money; and all miſpriſions and concealments, and all abetting, aiding, and procuring of the ſame offences; all offences againſt 15 *Geo.* 2. *cap.* 28.

LXXII. *Sect.* 11. All violations of the privileges of ambaſſadors, and other public miniſters of foreign ſtates.

LXXIII. *Sect.* 12. All voluntary murders, petty treaſons, wilful poiſonings, and all ſlaughters of fore-thought felony, all wilful burning of houſes, or ſtacks of corn, or barns with corn in them, and all acceſſaries to the ſame offences; and all offences, of ſetting fire to any houſe, barn, or out-houſe, or to any hovel, cock, mow, or ſtack of corn, ſtraw, hay, or wood, or of ſhooting at any perſon in any dwelling-houſe or other place, or ſending any letter without any name ſubſcribed thereto, or ſigned with a fictitious name, demanding money, or other valuable thing contrary to 9 *Geo.* 1. *cap.* 22.

LXXIV. *Sect.* 13. All piracies and robberies upon the ſeas; and all procuring or abetting ſuch offenders, and comforting and receiving of them, and of receiving any goods taken by piracy.

LXXV. *Sect.* 14. All offences made felony by an act or acts of parliament againſt the wilful caſting away, burning or deſtroying any ſhips, 4 *Geo.* 1. *cap.* 12. & 11 *Geo.* 1. *cap.* 29. **Ships.**

LXXVI. *Sect.* 15. All offences ſince the 25th of *December* 1744, againſt 13 *Car.* 2. *ſtat.* 1. *cap.* 9. **Ships.** or againſt any acts *for puniſhing mutiny*, other than the deſertion of offenders, who ſhall before the 1st of *November* next return to his Majeſty's ſervice.

LXXVII. *Sect.* 16. All burglaries, and robberies of churches, and robberies in or near the highway.

LXXVIII. *Sect.* 17. Sodomy and buggery.

LXXIX. *Sect.* 18. Rapes of women.

LXXX. *Sect.* 19. Perjury and ſubornation, and forging and ſolicitation of forging any fines or other records, deeds, wills, or writings, or publiſhing any ſuch.

LXXXI. *Sect.* 20. Forging exchequer bills, and tendering the ſame in payment or demanding money thereupon, forging the common ſeal of the bank of *England*, or of any ſealed bank bill, or of any bank note, or the altering any indorſement, or any bank bill or note, exchequer orders, lottery orders, lottery tickets, or any indorſement or aſſignment thereof, or demanding money thereupon, or tendering in payment, or uttering any forged bank bill or bank note, or demanding or receiving money thereon.

LXXXII. *Sect.* 21. All offences made felony by 2 *Geo.* 2. *cap.* 25. or by 7 *Geo.* 2. *cap.* 22. **Forgery, Perjury.**

LXXXIII. *Sect.* 22. All offences made felony by 8 *Geo.* 1. *cap.* 22. or 12 *Geo.* 1. *cap.* 32. **Forgery.**

LXXXIV. *Sect.* 23. All offences made felony by 5 *Geo.* 1. *cap.* 24. *expired*, or 5 *Geo.* 2. *cap.* 30. **Bankrupts.**

LXXXV. *Sect.* 24. All offences in breaking or cutting down the banks of any river, or any ſea banks, or ſetting on fire any mine, pit, or delph of coal, or cannal coal, made felony by any act of parliament.

LXXXVI. *Sect.*

LXXXVI. *Sect.* 25. Forging ſeamens tickets, and publiſhing forged tickets; forging or altering any *Mediterranian Paſs*, and publiſhing ſuch forged or altered paſs.

LXXXVII. *Sect.* 26. All offences (not being capital) contrary to any act or law (other than uſing any craft by any perſon not brought up therein ſeven years as an apprentice) for which any action or proſecution within two years next before the laſt day of *Eaſter* term 1747, hath been commenced in any court at *Weſtminſter*, or before any commiſſioners of *oyer* and *terminer*, gaol delivery, juſtices of aſſize, or juſtices of the peace, and on the laſt day of *Eaſter* term depending, on which no outlawry, verdict, judgment, or decree ſhall on the 15th of *June* 1747, be obtained, and which have been proſecuted at the charge of any private perſon, unleſs the defendant pay to ſuch proſecutor his coſts.

LXXXVIII. *Sect.* 27. All felonies and miſdemeanors (other than uſing any craft by any perſon not brought up therein for ſeven years as an apprentice) for which any perſon ſhall have been ſo far proſecuted, that on the laſt day of *Trinity* term 1747, any verdict ſhall be obtained, or any outlawry, conviction, judgement or decree entered in any court, or before any commiſſioners, or by juſtices of the peace.

LXXXIX. *Sect.* 28. All offences againſt 9 *Geo.* 2. *cap.* 35. or 19 *Geo.* 2. *cap.* 34. Cuſtoms, or againſt any other acts for the paying the land-tax, cuſtoms, exciſe, inland duties, or of the poſt-office, ſtamp duties, window and houſe-tax, or other duties, or for the preventing the exportation of wool, or the unlawful importation, landing, relanding, or exportation of any goods, or for puniſhing offenders againſt the laws of cuſtoms and exciſe, and the exportation of wool.

XC. *Sect.* 29. If any perſon ſhall have committed treaſon in the rebellion, in 1745, who at the time of ſuch treaſon or ſince, was poſſeſſed of, or intitled to any office for life, or for any eſtate of inheritance granted by his Majeſty, or his predeceſſors, or to any office in any city or town-corporate, and ſhall claim ſuch office, it ſhall be lawful to proceed againſt ſuch perſon for the ſaid high treaſon.

XCI. *Sect.* 30. Excepted alſo every perſon of the name and clan of *Mac Gregour*, mentioned in an act made in *Scotland*, in the firſt parliament of king *Charles* I.

XCII. *Sect.* 31. All offences concerning highways or bridges.

XCIII. *Sect.* 32. All offences in imbezzling any goods, monies, chattles or ſtores, belonging to the crown.

XCIV. *Sect.* 33. All conditions and covenants, and all penalties accrued to his Majeſty, by reaſon of the non-performance of any covenant or condition.

XCV. *Sect.* 34. All offences by any officer of the exchequer or revenue, in the execution of his office, or by colour thereof.

XCVI. *Sect.* 35. All wilful offences by any aſſeſſor or collector of any taxes.

XCVII. *Sect.* 36. Actions of *quare impedit*.

XCVIII. *Sect.* 37. Inceſt, ſimony, or dilapidations.

XCIX. *Sect.* 38. Firſt-fruits and tenths, penſions, procurations, ſynodals, and other payments out of any eccleſiaſtical benefice.

C. *Sect.* 39. All money ariſing from any cuſtoms, exciſe, or any other duty or impoſition, and all corruptions and miſdemeanors of any officer by which his Majeſty has been deceived, and not truly anſwered for the ſame.

CI. *Sect.* 40. All offences contrary to 5 *Geo.* 1. *cap.* 21. *for ſecuring the trade to the* Eaſt Indies, or contrary to 7 *Geo.* 1. *cap.* 21. *for the preventing his Majeſty's ſubjects from trading to the* Eaſt Indies *under foreign commiſſions*, or contrary to any other acts for the aſcertaining or improving the trade of the *Eaſt India* company.

CII. *Sect.* 41. All offences committed by any perſons in converting to their own uſe goods or profits of land belonging to the crown.

CIII. *Sect.* 42. All arrears of rent due from any farmer or tackſman of the public revenue, and all arrears of fee-farm rents and other rents.

CIV. *Sect.* 43. All accounts of officers of the revenue, or other accountants to his Majeſty.

CV. *Sect.* 44. All recognizances and other ſecurities for payment of money.

CVI. *Sect.* 45. This act ſhall not diſcharge any recognizance not yet forfeited, nor any forfeited recognizance or other forfeiture whereof any farmers or tackſmen of the revenue, ought to receive any benefit; nor any debt due by recognizance or

otherwiſe, to any perſon indebted to the crown, which hath been ſeiſed in aid; nor any debt whereupon any eſtalment or ſeizure has been made, upon which eſtalment any thing ſince the 24th of *July* 1721, hath been paid; nor any penalties accrued to his Majeſty by reaſon of any act, which penalties ſince the 24th of *July* 1721, be converted into a debt, or have been eſtalled, or any ſeizure made for the ſame; and upon ſuch ſeizure any thing paid ſince the 24th of *July* 1721, nor any recognizance forfeited on account of any matters excepted out of this pardon.

CVII. *Sect.* 46. And alſo excepted all iſſues, fines, and amerciaments loſt, ſince the 24th of *July* 1721, which have been totted, or received by any officer, who is to account for the year ending at *Michaelmas* next.

CVIII. *Sect.* 47. All fines *pro licentia concordandi*, called *poſt fines*, and all ſuch iſſues, fines, and amerciaments above 6*l.* which have been loſt, eſtreated, or entered, ſince the 24th of *July* 1721.

CIX. *Sect.* 48. Iſſues, fines, and amerciaments, returned, or entered of record ſince the 15th of *June* 1745, and all ſheriffs, and other accountants upon their petition to be made for the allowance of any ſuch fines, *&c.* as by this act are pardoned, ſhall have their petition allowed without fee.

CX. *Sect.* 49. This act ſhall not reſtore any ability to hold any office.

CXI. *Sect.* 50. Nothing in this act ſhall reſtore to any perſon, any office or eſtate, before the 15th of *June* 1747, diveſted out of ſuch perſon.

CXII. *Sect.* 51. And alſo excepted all ſuch perſons as, on or before the 15th of *June* 1747, are or ſhall be attainted or convicted of high treaſon.

CXIII. *Sect.* 52. All perſons tranſported beyond the ſeas, on or before the laſt day of *Trinity* term 1747, for any offence.

CXIV. *Sect.* 53. All treaſons contrary to 13 *Will.* 3. *cap.* 3. **Treaſon.** committed ſince the 1st of *July* 1742, and before the 20th of *July* 1745.

CXV. *Sect.* 54. All treaſons againſt 17 *Geo.* 2. *cap.* 39. **Treaſon.** committed before the 20th of *July* 1745.

CXVI. *Sect.* 55. All offences of high treaſon and miſpriſion of high treaſon, committed by any perſon who after the 1st of *July* 1742, and before the 20th of *July* 1745, has been concerned in invading, or procuring an invaſion of this realm, by any foreign force, or raiſing a rebellion within the ſame.

CXVII. *Sect.* 56. Offences by any jeſuit, ſeminary, or other *Romiſh* prieſt contrary to 27 *Eliz. cap.* 2. **Rome.** and all convictions of popiſh recuſants, and all forfeitures of eſtates given for ſuperſtitious uſes mentioned in 1 *Geo.* 1. *cap.* 50.

CXVIII. *Sect.* 57. Offences contrary to 1 *Geo.* 1. *cap.* 55. **Papiſts.**

CXIX. *Sect.* 58. Contempts in any court of law or equity, or for non-performance of awards, or for non-payment of coſts, and all uſurpations and forfeitures of franchiſes or offices, for which any proſecution hath been commenced ſince the 20th of *July* 1745, and is on the 15th of *July* 1747, depending.

CXX. *Sect.* 59. All contempts in any eccleſiaſtical court in cauſes for matters of right and not for correction; and all contempts in any court of admiralty proceeding civilly and not criminally.

CXXI. *Sect.* 60. And alſo excepted out of this pardon *Charles* earl of *Traquair*, and others named in the act.

CXXII. *Sect.* 61. No proceſs of outlawry at the ſuit of any plaintiff, ſhall be by this pardon ſtayed or avoided, unleſs the defendant appear and put in bail, where bail is neceſſary, and take out a *ſcire facias* againſt the party at whoſe ſuit he was outlawed; and this pardon ſhall not diſcharge any outlawry after judgement, till ſatisfaction be made to the party at whoſe ſuit the outlawry was obtained.

CXXIII. *Sect.* 62. Every perſon hereby pardoned, may plead the general iſſue, and give this act of pardon in evidence for his diſcharge.

CXXIV. *Sect.* 63. This pardon ſhall diſcharge all the premiſſes as well againſt ſuch perſons or bodies politic as ſhall claim the ſame, by any patents, leaſe, or grant by the King, as againſt the King himſelf.

CXXVII. **Stat.** 13 *Geo.* 2. *cap.* 20. The proviſions contained in 10 *Ann. cap.* 23. Par. XC. XCI. ſhall be extended to tenements in reſpect of which any perſon ſhall vote for the election of any member to ſerve in Parliament, for any city or town being a county of itſelf in *England*, wherein perſons have a right to vote in reſpect of hereditaments of the yearly value of 40*s.* And if any perſon ſhall vote for the election of any ſuch member, as a freeholder, not having ſuch an eſtate for one year before the ſame election, he ſhall be ſubject to the like penalties as are by 10 *Ann. cap.* 23. impoſed on perſons voting for knights of ſhires, not having the qualifications thereby required. *See* 19 Geo. 2. cap. 28. ſect. 2. *infra.*

CXXVIII. **Stat.** 15 *Geo.* 2. *cap.* 22. *ſect.* 1. No perſon who ſhall be commiſſioner of the revenue in *Ireland*, or commiſſioner of the navy or victualling offices, nor any deputies or clerks in any of the ſaid offices, or in any of the offices following, *viz.* the office of lord high treaſurer, or the commiſſioners of the treaſury, or of the auditor of the receipt of his Majeſty's exchequer, or of the tellers of the exchequer, or of the chancellor of the exchequer, or of the lord high admiral, or the commiſſioners of the admiralty, or of the paymaſters of the army, or of the navy, or of his Majeſty's principal ſecretaries of ſtate, or of the commiſſioners of the ſalt, or of the ſtamps, or of appeals, or of wine licences, or of hackney coaches, or of hawkers and pedlars, nor any perſons having any office, civil or military, within the iſland of *Minorca*, or in *Gibraltar*, other than officers having commiſſions in any regiment there only, ſhall be capable of being elected, or of ſitting or voting as a member of the houſe of commons.

CXXIX. *Sect.* 2. If any perſon hereby diſabled ſhall be returned as a member to ſerve in parliament, ſuch election and return are hereby declared void. And if any perſon diſabled by this act to be elected, ſhall preſume to ſit or vote as a member of the houſe of commons he ſhall forfeit 20*l.* for every day, in which he ſhall ſit or vote in the ſaid houſe, to ſuch perſon who ſhall ſue for the ſame in any court at *Weſtminſter*; and the money ſo forfeited ſhall be recovered with coſts by action of debt, *&c.* in which no eſſoin, *&c.* ſhall be allowed; and ſhall from thenceforth be incapable of taking or holding any office of honour or profit under his Majeſty.

CXXX. *Sect.* 3. Nothing in this act ſhall exclude the treaſurer or comptroller of the navy, the ſecretaries of the treaſury, the ſecretary to the chancellor of the exchequer, or ſecretaries of the admiralty, the under ſecretary to any of his Majeſty's principal ſecretaries of ſtate, or the deputy paymaſter of the army, or to exclude any perſon having any office or employment for life, or for ſo long as he ſhall behave himſelf well in his office.

CXXXI. **Stat.** 18 *Geo.* 2. *cap.* 18. *ſect.* 1. Upon every election in *England* or *Wales* of any knight of the ſhire to ſerve in Parliament, every freeholder, inſtead of the oath preſcribed by 10 *Ann. cap.* 23. before he is admitted to poll, ſhall (if required by any of the candidates, or any perſon having a right to vote) firſt take the oath (or being a *Quaker*, the affirmation) following, *viz.*

You ſhall ſwear (or being a Quaker, *ſolemnly affirm*) *that you are a freeholder in the county of and have a freehold eſtate, conſiſting of* (ſpecifying the nature thereof, and if it conſiſts in meſſuages, lands or tythes, in whoſe occupation the ſame are; and if in rent the names of the owners or poſſeſſors of the tenements out of which ſuch rent is iſſuing, or of ſome of them) *lying or being at in the county of of the clear yearly value of* 40 s. *over and above all rents and charges payable out of, or in reſpect of the ſame; and that you have been in the actual poſſeſſion or receipt of the rents and profits thereof, for your own uſe, above* 12 *calendar months, or that the ſame came to you, within the time aforeſaid, by deſcent, marriage, marriage ſettlement, deviſe, or promotion to a benefice in a church, or by promotion to an office; and that ſuch freehold eſtate has not been granted or made to you fraudulently, on purpoſe to qualify you to give your vote; and that the place of your abode is at in and that you are* 21 *years of age, as you believe; and that you have not been polled before at this election.*

Which

Which oath (or affirmation) the ſheriff, under ſheriff, or ſuch ſworn clerk as ſhall be by him appointed for taking the poll, is to adminiſter. And in caſe any perſon taking the ſaid oath or affirmation ſhall thereby commit wilful perjury, and be convicted; and if any perſon do corruptly procure or ſuborn any perſon to take the ſaid oath or affirmation in order to be polled, whereby he ſhall commit ſuch wilful perjury, and ſhall be convicted; they for every ſuch offence, ſhall incur ſuch penalties as in 5 *Eliz. cap.* 9. & 2 *Geo.* 2. *cap.* 25. Perjury.

CXXXII. *Sect.* 2. So much of the 10 *Ann. cap.* 23. *ſect.* 2. & 12 *Ann. ſtat.* 1. *cap.* 5. as diſables any perſon to vote for knights of ſhires, in right of any lands or tenements which have not been aſſeſſed as therein mentioned, ſhall be repealed.

CXXXIII. *Sect.* 3. No perſon ſhall vote for the electing of a knight of the ſhire to ſerve in parliament in *England* or *Wales*, in right of any meſſuages, lands, or tenements, which have not been aſſeſſed towards ſome aid granted to his Majeſty by a land-tax 12 calendar months next before ſuch election.

CXXXIV. *Sect.* 4. Provided that this act ſhall not reſtrain any perſon from voting in right of any rents, or any chambers in the inns of court or inns of chancery, or any meſſuages or ſeats belonging to any offices, by reaſon that the ſame have not been uſually aſſeſſed to the land-tax; and that the acting commiſſioners of the land-tax or three of them, at their meetings for the reſpective diviſions, ſhall ſign and ſeal one other duplicate of the copies of the reſpective aſſeſſments after all appeals determined, and the ſame deliver to the clerks of the peace for their reſpective counties to be kept amongſt the records of the ſeſſions, to which all perſons may reſort and inſpect the ſame, paying 6 *d.* and the ſaid clerks of the peace or their deputies ſhall give copies of the ſaid duplicates to any perſon requiring the ſame, paying after the rate of 6 *d.* for every 300 words.

CXXXV. *Sect.* 5. No perſon ſhall vote in any ſuch election, without having a freehold eſtate in the county for which he votes of the yearly value of 40 *s.* over and above all rents and charges payable out of the ſame, or without having been in the actual poſſeſſion or in receipt of the rents and profits thereof, for his own uſe, above 12 calendar months, unleſs the ſame came to him within the time aforeſaid by deſcent, marriage, marriage ſettlement, deviſe, or promotion to any benefice in a church, or by promotion to an office; or ſhall vote in right of any freehold eſtate, which was made to him fraudulently on purpoſe to qualify him to give his vote; or ſhall vote more than once at the ſame election; and if any perſon vote in any ſuch election contrary to the meaning hereof, he ſhall forfeit to any candidate for whom ſuch vote ſhall not have been given and who ſhall ſue for the ſame 40 *l.* to be recovered by him his executors or adminiſtrators, with coſts, by action of debt in any court of record at *Weſtminſter*, wherein no eſſoin, *&c.* ſhall be allowed; and in every ſuch action the proof ſhall lie on ſuch perſon againſt whom the ſame was brought, unleſs the fact on which ſuch action is grounded be the having polled more than once at the ſame election.

CXXXVI. *Sect.* 6. No public or parliamentary tax, county, church, or pariſh rate, or any other tax to be aſſeſſed upon any county or diviſion, ſhall be deemed any charge, payable out of any freehold eſtate, within the meaning of this act, or of the oath or affirmation before directed.

CXXXVII. *Sect.* 7. At every election in *England* and *Wales*, the ſheriff, or in his abſence the under-ſheriff, or ſuch as he ſhall depute, ſhall appoint or erect, at the expence of the candidates, ſuch number of booths or places for taking the poll, as any of the candidates ſhall three days at leaſt before the commencement of the poll deſire; ſo as the ſame do not exceed the number of rapes, lathes, wapentakes, wards, or hundreds within the ſaid county, and not exceeding in the whole the number of 15; and ſhall affix on the moſt public part of each the name of the rape, *&c.* for which ſuch booth is deſigned: and the ſheriff, *&c.* ſhall appoint a clerk or clerks at each booth to take the poll (who ſhall at the expence of the candidates be paid not exceeding one guinea *per* day each clerk) and the ſheriff or under ſheriff, ſhall alſo make out a liſt for each booth of all the towns, villages, pariſhes, and hamlets, lying wholly or in part in the rape, *&c.* for which ſuch booth is deſigned; and ſhall upon requeſt deliver a copy thereof to any of the candidates, or their agents, taking for each copy 2 *s.* and no more.

CXXXVIII. *Sect.*

CXXXVIII. *Sect.* 8. No ſheriff, under-ſheriff, or clerk appointed to take the poll at any of the ſaid booths ſhall admit any perſon to vote for any freehold eſtate ſworn to be at ſome pariſh or place not mentioned in the liſt ſo made out for ſuch booth, unleſs ſuch eſtate lie in ſome place not mentioned in any of the liſts.

CXXXIX. *Sect.* 9. The ſheriff, or in his abſence the under-ſheriff, or ſuch as he ſhall depute, ſhall at every ſuch election allow a cheque book for every poll book for each candidate, to be kept by their reſpective inſpectors at every place where the poll ſhall be taken.

CXL. *Sect.* 10. When the county court falls out to be held within ſix days after the receipt of the writ, or upon the ſame day, no ſheriff ſhall adjourn ſuch court for longer than 16 days. *See* Par. LII.

CXLI. *Sect.* 11. The 6 *Geo.* 2. *cap.* 23. *ſect.* 1. which prohibits the adjourning a county court to a *Monday*, *Friday* or *Saturday* is repealed.

CXLII. *Sect.* 12. In caſe any ſheriff or under-ſheriff, who ſhall preſide at any election of any ſuch knight of the ſhire in *England* or *Wales*, ſhall wilfully offend againſt this act, he ſhall be proſecuted by information or indictment in the court of king's bench or in the courts of great ſeſſions in *Wales*, or at the ſeſſions for the county palatine of *Cheſter*, *Lancaſter* and *Durham*, or at the aſſizes for the place where ſuch offence ſhall be committed, in which no *noli proſequi* or *ceſſet proceſſus* ſhall be granted.

CXLIII. *Sect.* 13. It ſhall be ſufficient for the plaintiff in any action of debt given by this act, to ſet forth in the declaration, that the defendant is indebted to him in the ſum of and to alledge the particular offence for which ſuch action is brought, and that the defendant hath acted contrary to this act; without mentioning the writ of ſummons to parliament, or the return thereof: and it ſhall be ſufficient in any indictment or information for any offence contrary to this act, to alledge the particular offence, and that the defendant is guilty thereof, without mentioning the writ of ſummons to parliament or the return thereof: and upon trial of any iſſue in any ſuch action, indictment or information, the plaintiff, proſecutor, or informer, ſhall not be obliged to prove the writ of ſummons to parliament, or the return thereof, or any warrant to the ſheriff grounded upon ſuch writ of ſummons.

CXLIV. *Sect.* 14. Every action, indictment, or information given by this act, ſhall be commenced within nine calendar months after the fact upon which the ſame is grounded.

CXLV. *Sect.* 15. All the ſtatutes of jeofails ſhall extend to all proceedings in any action, indictment, or information given by this act.

CXLVI. *Sect.* 16. In caſe the plaintiff or informer, in any action, indictment, or information given by this act, diſcontinue or be nonſuited, or judgement be given againſt him, the defendant ſhall recover treble coſts.

CXLVII. **Stat.** 19 *Geo.* 2. *cap.* 28. *ſect.* 1. Every perſon demanding to vote for the election of any member to ſerve in parliament for any city or town being a county of itſelf, in *England*, in reſpect of any freehold eſtate of 40 *s.* a year, ſhall before he is admitted to poll (if required by any of the candidates, or other perſon having a right to vote) take the oath (or being a *Quaker*, the affirmation) following, *viz.*

You ſhall ſwear (or being a *Quaker*, you ſhall ſolemnly affirm) *that you have a freehold eſtate, conſiſting of* (ſpecifying the nature of ſuch freehold eſtate; and if it conſiſts in meſſuages, lands, or tithes, then ſpecifying in whoſe occupation the ſame are; and if rent, then the names of the owners or poſſeſſors of the tenements out of which it iſſues, or of ſome of them) *lying or being in the city and county or town and county* (as the caſe may be) *of of the clear yearly value of* 40s. *over and above all rents and charges payable out of, or in reſpect of the ſame; and that you have been in the actual poſſeſſion or receipt of the rents and profits thereof, for your own uſe, above* 12 *calendar months; or that the ſame came to you within the time aforeſaid, by deſcent, marriage, marriage ſettlement, deviſe, or promotion to a benefice in a church, or by promotion to an office;*

and that ſuch freehold eſtate has not been granted or made to you fraudulently, on purpoſe to qualify you to give your vote; and that the place of your abode is at in and that you are 21 years of age, as you believe; and that you have not been polled before at this election.

Which oath the ſheriff or under-ſheriff, or ſuch ſworn clerk as ſhall be by him appointed for taking the poll, is to adminiſter: And in caſe any perſon taking the ſaid oath or affirmation ſhall thereby commit wilful perjury, and be convicted; and if any perſon corruptly procure or ſuborn any perſon to take the ſaid oath in order to be polled, whereby he ſhall commit wilful perjury, and ſhall be convicted; they for every ſuch offence ſhall incur ſuch penalties as are inflicted by 5 *Eliz. cap.* 9. & 2 *Geo.* 2. *cap.* 25.

Perjury.

CXLVIII. *Sect.* 2. So much of the 13 *Geo.* 2. *cap.* 20. as extends thoſe proviſions of 10 *Ann. cap.* 23. & 12 *Ann. ſtat.* 1. *cap.* 5. which diſable perſons from voting for electing a knight of the ſhire, in reſpect of tenements which had not been aſſeſſed to the public taxes, church rates, or pariſh duties, to ſuch cities and towns as are counties of themſelves in *England*, is repealed.

CXLIX. *Sect.* 3. No perſon ſhall vote for the electing a member to ſerve in parliament for ſuch a city or town being a county of itſelf in *England*, in reſpect of any freehold meſſuages, lands, or tenements, of the yearly value of 40*s.* which have not been aſſeſſed towards ſome aid granted to his Majeſty by a land tax in *Great Britain*, 12 calendar months next before ſuch election. Provided that nothing herein ſhall reſtrain any perſon from voting in any ſuch election for cities and towns as are counties of themſelves, in reſpect of any rents, or any meſſuages or ſeats belonging to any offices, by reaſon that the ſame have not been uſually aſſeſſed to the land tax: and the acting commiſſioners of the land tax or any three of them, at their meetings, ſhall ſign and ſeal one other duplicate of the copies of the aſſeſſment delivered to them by the aſſeſſors, after all appeals determined; and the ſame ſhall deliver to the perſons officiating as clerks of the peace within the diſtricts of the ſaid cities and towns being counties of themſelves, to be by them kept among the records of the ſeſſions, to which all perſons may reſort and inſpect the ſame, paying 6*d.* and the ſaid perſons officiating as clerks of the peace, or their deputies, ſhall give copies of the ſaid duplicates or any part thereof to any perſon who ſhall require the ſame, paying after the rate of 6*d.* for every 300 words.

CL. *Sect.* 4. No perſon ſhall vote in ſuch election of a member to ſerve in parliament in any city or town being a county of itſelf, and in which perſons have a right to vote in reſpect of lands or hereditaments of the yearly value of 40*s.* unleſs ſuch perſons ſhall have a freehold eſtate in the city and county, or town and county, for which he votes, of the clear yearly value of 40*s.* over and above all rents and charges payable out of the ſame; and ſhall have been in the poſſeſſion or in receipt of the rents and profits thereof, for his own uſe, above 12 calendar months; except the ſame came to him within the time aforeſaid by deſcent, marriage, marriage ſettlement, deviſe, or promotion to any benefice in a church, or by promotion to an office; and no perſon ſhall vote in reſpect of any freehold eſtate which was made to him fraudulently, on purpoſe to qualify him to give his vote, or ſhall vote more than once at the ſame election. And if any perſon vote in any ſuch election contrary to the intent hereof, he ſhall forfeit to any candidate for whom ſuch vote ſhall not have been given, and who ſhall firſt ſue for the ſame 40*l.* to be recovered by him, or his executors or adminiſtrators, with coſts, by action of debt in any court of record at *Weſtminſter*, wherein no eſſoin, &c. ſhall be allowed: And in every ſuch action the proof ſhall lie on ſuch perſon againſt whom the ſame was brought, unleſs the fact on which ſuch action is grounded be the having polled more than once at the ſame election.

CLI. *Sect.* 5. No public or parliamentary tax, church or pariſh rate, or any other tax, rate, or aſſeſſment to be levied within ſuch cities or towns being counties of themſelves, ſhall be deemed any charge payable out of any freehold eſtate within the meaning of this act, or of the oath or affirmation herein before mentioned.

CLII. *Sect.*

CLII. *Sect.* 6. The ſheriff or ſheriffs of any county or town being a county of itſelf in *England*, or in his abſence, the under-ſheriff or under-ſheriffs, or ſuch perſon as he ſhall depute, ſhall at every election of any member to ſerve in parliament allow a cheque book for every poll book for each candidate, to be kept by their reſpective inſpectors at the place where the poll ſhall be taken.

CLIII. *Sect.* 7. The ſheriff or ſheriffs of every city or town being a county of itſelf and having a right to elect a member of parliament, by virtue of the writ iſſuing out of chancery without any precept thereupon, in *England*, ſhall forthwith upon the receipt of the writ cauſe public notice to be given of the time and place of election; and proceed to election within eight days next after that of his receipt of the writ, and give three days notice thereof at leaſt, excluſive of the day of the receipt of the writ and of the day of election.

CLIV. *Sect.* 8. In caſe any ſheriff or under-ſheriff, preſiding at any election of a member to ſerve in parliament for any ſuch city or town being a county of itſelf in *England*, ſhall wilfully offend againſt the meaning of this act, he ſhall be liable to be proſecuted by information or indictment in the *King's Bench* in *Weſtminſter*, or at the aſſizes for the city or town where ſuch offence ſhall be committed, in which no *noli proſequi*, or *ceſſat proceſſus* ſhall be granted.

CLV. *Sect.* 9. It ſhall be ſufficient for the plaintiff in any action of debt given by this act, to ſet forth in the declaration that the defendant is indebted to him in the ſum of and to alledge the particular offence for which the action is brought, and that the defendant hath acted contrary to this act; without mentioning the writ of ſummons to parliament, or the return thereof: And it ſhall be ſufficient in any indictment or information, for any offence contrary to this act, to alledge the particular offence, and that the defendant is guilty thereof, without mentioning the writ of ſummons to parliament or the return thereof: And upon trial of any iſſue in any ſuch action, indictment, or information, the plaintiff, proſecutor, or informer, ſhall not be obliged to prove the writ of ſummons to parliament or the return thereof, or any warrant to the ſheriff grounded upon ſuch writ of ſummons.

CLVI. *Sect.* 10. Every action, indictment, or information given by this act, ſhall be commenced within nine calendar months after the fact upon which the ſame is grounded.

CLVII. *Sect.* 11. All the ſtatutes of jeofails ſhall extend to all proceedings in any action, indictment, or information given by this act.

CLVIII. *Sect.* 12. In caſe the plaintiff or informer, in any action, indictment, or information given by this act, ſhall diſcontinue or be nonſuited, or judgement be given againſt him, the defendant ſhall recover treble coſts.

CLIX. *Sect.* 13. This act, or any thing therein contained (except ſuch clauſes as are made for allowing cheque books, or for notice of the time and place of election, and proceeding to election thereupon) ſhall not extend to any city or town being a county of itſelf, or to any perſon, where the right of voting for any member of ſuch city or town is in reſpect of burgage tenure; or where the right of voting in reſpect of a freehold does not require the ſame to be of the yearly value of 40 *s.*

CLX. **Stat.** 31 *Geo.* 2. *cap.* 14. *ſect.* 1. No perſon who holds his eſtate by copy of court roll ſhall be intitled thereby to vote at the election of any knight of a ſhire in *England* or *Wales*: and if any perſon vote in any ſuch election contrary to the intent hereof, every ſuch vote ſhall be void; and every perſon ſo voting ſhall forfeit to any candidate for whom ſuch vote ſhall not have been given, and who ſhall firſt ſue for the ſame 50*l.* to be recovered by him, his executors and adminiſtrators, with coſts, by action of debt in any court of record at *Weſtminſter*, wherein no eſſoin, *&c.* ſhall be allowed; and in every ſuch action the proof ſhall lie on the perſon againſt whom ſuch action ſhall be brought.

CLXI. *Sect.* 2. It ſhall be ſufficient for the plaintiff in any ſuch action of debt to ſet forth in the declaration that the defendant is indebted to him in the ſum of 50 *l.* and to alledge the offence for which the action is brought, and that the defendant hath acted contrary to this act; without mentioning the writ of ſummons to parliament or the return thereof: And upon trial the plaintiff ſhall not be obliged to prove the writ of ſummons to parliament or the return thereof, or any warrant to the ſheriff grounded upon any ſuch writ of ſummons.

CLXII. *Sect.* 3. Provided that every ſuch action be commenced within nine calendar months next after the fact upon which the ſame is grounded.

CLXIII. *Sect.* 4. All the ſtatutes of jeofails ſhall extend to all proceedings in any ſuch action.

CLXIV. *Sect.* 5. In caſe the plaintiff in ſuch action diſcontinue or be nonſuited, or judgement be given againſt him, the defendant ſhall recover treble coſts.

CLXV. **Stat.** 33 *Geo.* 2. *cap.* 20. *ſect.* 1. Every perſon (except as is herein after excepted) who ſhall be elected a member of the houſe of commons, ſhall before he preſumes to vote in the houſe of commons, or ſit there during any debate, after their ſpeaker is choſen, deliver in to the clerk of the ſaid houſe, at the table in the middle of the houſe, and whilſt the houſe of commons is there duly ſitting, with their ſpeaker in the chair, an account ſigned by ſuch member, containing the names of the pariſhes, townſhips, or precincts, and of the counties in which the lands or hereditaments lie, whereby he makes out his qualification, declaring the ſame to be of the annual value of 600*l.* above reprizes, if a knight of a ſhire; and of the annual value of 300*l.* above reprizes, if a citizen, burgeſs, or baron of the cinque ports; and ſhall at the ſame time take and ſubſcribe the following oath, *viz.*

I A. B. *do ſwear, that I truly and* bona fide *have ſuch an eſtate in law or equity, and of ſuch value, to and for my own uſe and benefit, of or in lands, tenements or hereditaments, over and above what will ſatisfy and clear all incumbrances that may affect the ſame, as doth qualify me to be elected and returned to ſerve as a member for the place I am returned for, according to the tenor and true meaning of the acts of parliament in that behalf; and that ſuch lands, tenements, or hereditaments, do lie as deſcribed in the paper or account ſigned by me, and now delivered to the clerk of the houſe of commons.*

So help me God.

And the houſe of commons is hereby impowered and required to adminiſter the ſaid oath and ſubſcription according to this act to every perſon duly demanding the ſame, immediately after ſuch perſon ſhall have taken the oaths of allegiance, ſupremacy, and abjuration, at the ſaid table. And the ſaid oath and ſubſcription ſhall be entered in a parchment roll, to be provided by the clerk of the houſe of commons; and the accounts ſo ſigned and delivered to the ſaid clerk ſhall be filed and kept by him.

CLXVI. *Sect.* 2. If any perſon elected to ſerve in any future parliament as a knight of the ſhire, or as a citizen, burgeſs, or baron of the cinque-ports, preſume to ſit or vote as a member of the houſe of commons, before he has delivered in ſuch account, and taken and ſubſcribed ſuch oath, or ſhall not be qualified according to 9 *Ann. cap.* 5. and this act; his election ſhall be void, and a new writ ſhall be iſſued to elect another member.

CLXVII. *Sect.* 3. Nothing in this act ſhall extend to the eldeſt ſon or heir apparent of any peer, or of any perſon qualified to ſerve as a knight of a ſhire, or to the members for either of the univerſities in *England*, or to the members for *Scotland*.

Paving, lighting, cleanſing, and watching.

CLXXXV. **Stat.** 17 *Geo.* 2. *cap.* 29. *ſect.* 1. Such a number of glaſs lamps, of ſuch ſort as the common council ſhall think requiſite, ſhall be fixed in ſuch places, within the city of *London* or liberties thereof, as to the common council ſhall ſeem meet.

CLXXXVI. *Sect.* 2. For defraying the yearly charges thereof one or more rates ſhall twice in every year (or oftner if it be thought needful by the common council) be made in every ward, by the alderman, deputy, and common council, or major part of them, in each reſpective ward, upon all perſons who inhabit or enjoy any lands or tenements within the city of *London* or the liberties thereof, who by law are liable to be rated towards the relief of the poor in the pariſhes where they live, in ſuch ſum as the common council ſhall between the 1st of *September* and the 20th of *October* yearly order, ſo as ſuch aſſeſſments do not exceed 6*d.* in the pound in any one year of the yearly rent of the houſes and hereditaments of ſuch perſons, as aſcertained by the land tax, ſo as by ſuch aſſeſſments no perſon be aſſeſſed in any one year above 50*s.* And the collectors for the ſeveral wards ſhall collect quarterly ſuch rates.

CLXXXVII. *Sect.* 3. To aſcertain the rates it ſhall be lawful for the aldermen of the ſeveral wards and their deputies and common council men, at all convenient times, to call before them the collectors of the land tax in each ward, and to inſpect the books of aſſeſſment of the land tax, and to take copies.

CLXXXVIII. *Sect.* 4. If the alderman, deputy, and common council men of any ward ſhall in any ſuch rates neglect to rate any lands or hereditaments, or the occupiers thereof, in proportion to the yearly rent of ſuch lands, *&c.* aſcertained in the land tax rate, ſo as the ſame do not exceed 6*d.* in the pound, and ſo as no perſon be rated in one year above 50*s.* ſo ſoon as complaint ſhall be made thereof by any inhabitant of the ſaid city, to the court of the lord mayor and aldermen, the ſaid court ſhall order the deficiency occaſioned in ſuch ward by ſuch neglect, to be rated in the next year's rate over and beſides the ordinary rate for the ſaid next year.

CLXXXIX. *Sect.* 5. It ſhall be lawful for the alderman of each ward, with the conſent of his deputy and common council men, or the major part of them, to rate the owners of houſes occupied by three or more tenants; which rate ſhall be paid by one or more of the occupiers. And in caſe any occupier refuſe to pay, the rate ſhall be levied by diſtreſs and ſale of his goods; and ſuch occupiers ſhall deduct the ſame out of the rent.

CXC. *Sect.* 6. It ſhall be lawful for the alderman of the ward of *Caſtle Baynard*, with the conſent of his deputy and common council men, to rate the cathedral church of *St. Paul*; and alſo for the alderman of each ward where other public buildings ſtand, with the conſent of his deputy and common council men, to rate all pariſh churches, church-yards, chapels, meeting-houſes, (ſo as ſuch rate on the ſaid meeting-houſes do not exceed 6*d.* in the pound on the rack-rent where the ſame are held at ſuch rent) ſchools, inns of court, halls, ſocieties, markets, warehouſes, vaults, and cellars, and all other public buildings, towards the maintaining the ſaid lamps.

CXCI. *Sect.* 7. The dean and chapter of *St. Paul's*, and the church-wardens and chapelwardens of churches and chapels, and the head officers of meeting-houſes, public halls, inns of court, ſocieties, ſchools, and the occupiers or proprietors of other public buildings, and the owners and occupiers of vaults and cellars fronting the ſtreets and paſſages, and the farmers of markets, ſhall be charged with the rates aſſeſſed upon the ſaid places.

CXCII. *Sect.* 8. If the dean and chapter of *St. Paul's* ſhall cauſe the fence round the cathedral church to be lighted with lamps of the ſame ſort, and for the ſame time, in a proportionable number, as in the other parts of *St. Paul's* churchyard (which the court of lord mayor and aldermen are impowered to determine) no rate ſhall be laid on the ſaid cathedral.

CXCIII. *Sect.* 9. In caſe any perſons think themſelves aggrieved by any rate, it ſhall be lawful within 20 days after ſuch rate demanded, to appeal to the court

of lord mayor and aldermen, who ſhall determine the ſame, within 10 days after ſuch appeal; and their determination ſhall be final; and no fees ſhall be paid on ſuch appeal.

CXCIV. *Sect.* 10. The chamberlain ſhall out of any money belonging to the city pay ſuch rates as ſhall be aſſeſſed for the lighting of void ground, where no inhabitants can be properly charged. And in caſe the chamberlain think the city aggrieved by ſuch rate, he ſhall within 20 days after ſuch rate demanded appeal to the court of lord mayor and aldermen.

CXCV. *Sect.* 11. It ſhall be lawful for each alderman, with the conſent of his deputy and common council men, at each wardmote held upon or near *St. Thomas's* day for the choice of ward officers, to return the names and places of abode of ſix or more inhabitants, out of which two or more, at the diſcretion of the alderman and his deputy and common council men, or the major part of them, ſhall be choſen at the ſaid wardmote, to be collectors for one year of the rates made in purſuance of this act, from the 29th of *September* then laſt, to the 29th of *September* next following. And all perſons by this act charged therewith, ſhall pay ſuch rates unto ſuch collectors, they giving receipts *gratis*. And every ſuch collector ſhall at the wardmote at which he ſhall be ſo choſen, or within 20 days, before the alderman of the ward or his deputy, take and ſubſcribe the following oath, or ſolemn affirmation being a *Quaker*;

I A. B. *do ſwear, that I will according to the beſt of my ſkill and knowledge well and truly perform and execute the office of a lamp collector within this ward.*

So help me God.

Which oath or affirmation ſhall be taken without fee, and without ſtamp. And if any collector ſo choſen neglect to take the ſaid oath (or being a *Quaker* the affirmation) or to take upon himſelf the ſaid office, or to ſerve the ſame, he ſhall forfeit 10 *l.* to be made part of the fund for maintaining ſuch lights, to be by the alderman or his deputy received and paid into the chamber of *London*; and ſuch collector ſhall continue liable to be choſen into the ſaid office the year following, or at any other time; and in caſe of refuſal ſhall be again liable to the like penalty.

CXCVI. *Sect.* 12. When any perſon ſhall neglect to take upon him the ſaid office, or to execute the ſame, or ſhall depart this life, or remove out of the ward in which he ſhall be choſen before he has finiſhed his collection, it ſhall be lawful for the alderman of the ward, with the conſent of his deputy and common council men, by appointment under their hands and ſeals, to nominate ſome other perſon within ſuch ward, to collect all ſuch money as ſhall remain due of ſuch rate: and if ſuch perſon ſo appointed neglect to take and ſubſcribe the ſaid oath, (or being a *Quaker* the affirmation) or to ſerve the ſaid office, he ſhall be liable to the like penalties with thoſe who neglect to ſerve the office when choſen at the wardmote.

CXCVII. *Sect.* 13. Nothing in this act ſhall oblige any perſon to ſerve the office of collector, who by law is exempted from ſerving any pariſh or ward office.

CXCVIII. *Sect.* 14. The ſeveral collectors ſhall on ſeven days notice in writing given to or left for them at their uſual places of abode, by the alderman of the ward where ſuch collector lives, or his deputy and common council, deliver in upon oath (or affirmation, if a *Quaker*) if thereunto required, unto ſuch alderman, or his deputy and common council, at ſuch time and place as they ſhall appoint within their reſpective wards, an account under their hands of all money received, and a liſt of the perſons in their reſpective wards who have neglected to pay the rates, and of the ſeveral ſums in arrear; and if any collector after ſuch notice neglect to bring in his accounts, or to account for any money received, and to pay the ſame, it ſhall be lawful for the lord mayor, or alderman of the ſaid ward, to commit ſuch collector to one of the compters, until he have made account and payment, or ſuch compoſition as the ſaid lord mayor or alderman ſhall think juſt.

CXCIX. *Sect.* 15. If any perſon neglect to pay the ſum on him rated for ſeven days after demand perſonally, or left at his place of abode, it ſhall be lawful for ſuch collector by warrant under the hand and ſeal of the lord mayor or alderman of

of the ſaid ward, with the aſſiſtance of a conſtable of the ſaid ward, to enter into any part of the premiſſes within the ſaid ward occupied by the perſon ſo rated, and to diſtrain his goods; and if the ſame be not replevied, or the monies paid within ſeven days, with the coſts of diſtreſs, to be aſcertained by the lord mayor or alderman of the ward, then to ſell ſo much as will pay the rate with all coſts. And if any alderman refuſe to grant ſuch warrant, he ſhall for every time he ſhall ſo neglect, forfeit unto the chamberlain to be applied towards the fund to be raiſed by this act, the money which ſuch perſon is by the rate liable to pay; to be recovered by the chamberlain in the court of the lord mayor with coſts; unleſs the perſon againſt whom ſuch warrant be demanded ſhall by the deputy and common council of the ward be certified to the chamberlain as a perſon unable to pay the rate.

CC. *Sect.* 16. If any collector depart this life before he has paid all the money collected, and leave aſſets to pay the ſame, his executors or adminiſtrators ſhall in the firſt place pay unto the chamberlain all ſums by ſuch collector ſo received and not paid, or ſo much as the aſſets will extend to pay, whoſe receipt ſhall be a diſcharge; and every executor, *&c.* may to any action brought againſt him plead or give in evidence the payment of the ſame, and ſhall be allowed ſuch payment out of ſuch aſſets prior to any other debt: and in caſe of nonpayment by the ſpace of 10 days after demand, the chamberlain ſhall in his own name commence one or more actions in the court of the lord mayor againſt ſuch executors, *&c.*

CCI. *Sect.* 17. In caſe any collector miſapply any money ſo collected, ſo that the ſame cannot be recovered, or die poſſeſſed of any money which ſhall not be paid by his executors, *&c.* ſuch ſum ſhall be again rated on the inhabitants of each ward by the alderman with the conſent of his deputy and common council men, and ſhall be collected in ſuch manner and under ſuch penalties as the rates payable by this act.

CCII. *Sect.* 18. Where any perſon ſo rated ſhall quit his dwelling-houſe, warehouſe, ſhop, vault, or cellar, in the ward wherein ſuch rate has been made, before he has paid the ſame, and ſhall afterwards refuſe to pay the ſame, it ſhall be lawful for the collector by warrant of the lord mayor, or of the alderman of the ward, in any place within the ſaid city and liberties, to diſtrain the goods of ſuch perſon, and the ſame to ſell, rendering the overplus to the owner demanding the ſame.

CCIII. *Sect.* 19. Every collector ſhall pay the money into the chamber of *London* as he ſhall receive the ſame, in ſuch manner that he ſhall never have a ſum exceeding 20 *l.* ſo collected at one time in his hands by the ſpace of 10 days, provided the chamber of *London* be open: and if ſuch collector keep in his hands more than 20 *l.* longer than 10 days, he ſhall forfeit 5 *l.* for every ſuch offence; to be recovered as the penalties inflicted by this act: and on payment of every ſuch ſum into the chamber of the ſaid city, ſuch collector ſhall take a receipt from the chamberlain, or one of his clerks, in which ſhall be expreſſed the name of ſuch collector, the ſum paid, and the name of the ward wherein the money hath been collected; and the chamberlain of *London*, or ſuch of his clerks as ſhall be appointed by him ſhall give ſuch receipt without fee; and ſuch receipts ſhall by the collector be produced to the alderman of the ward, or his deputy, at the time he ſhall ſettle his yearly account, and ſhall be allowed as a diſcharge.

CCIV. *Sect.* 20. Every freeman of *London*, liable to pay the rates, who ſhall have neglected to pay the ſame after demand perſonally, or by the ſpace of three days after a notice in writing left by the collector of the ward at the place of abode or occupation of ſuch freeman, or ſhall have been excuſed from paying ſuch rates, ſhall be under the ſame incapacity of voting at elections within the city of *London*, as perſons who do not pay ſcot or lot.

CCV. *Sect.* 21. The alderman in each ward with the conſent of his deputy and common council men, ſhall yearly between the 24th of *June* and the 24th of *December*, contract with any perſon for the lamps, and for ſetting up the ſame, and for lighting the lamps.

CCVI. *Sect.* 22. Provided ſuch contract be made for one year and no longer.

CCVII. *Sect.* 23. No alderman, deputy, or common council man, ſhall contract for any greater ſum for the annual lighting any lamp than ſhall be directed by the

common council: and all contracts for any greater ſum ſhall be void, and the chamberlain is not to pay any money in diſcharge of ſuch contract.

CCVIII. *Sect.* 24. No alderman, deputy, or common council man, or any perſon in truſt for him, ſhall be intereſted in any contract for lighting the city.

CCIX. *Sect.* 25. The chamberlain of the city ſhall out of the monies paid into the chamber purſuant to this act, pay all ſums ordered to be paid by the alderman, his deputy, and common council men of each ward, in diſcharge of the contracts, which ſuch alderman with the conſent of his deputy and common council ſhall enter into for the providing and lighting the lamps; and the chamberlain ſhall in the firſt place pay the draughts made on him by the aldermen, their deputies, and common council men of ſuch wards, as at the dates of ſuch draughts ſhall have paid into the chamber the aſſeſſments made on ſuch wards; and if after the payment of ſuch draughts any overplus remain, the ſame ſhall be carried to the aid of ſuch wards as are not able to raiſe ſufficient to defray the charges of their own lamps, in proportion to the money each ward ſhall fall ſhort.

CCX. *Sect.* 26. The chamberlain ſhall keep regular entries of all receipts and payments on account of lighting the city, which book every citizen ſhall be permitted to inſpect without fee; and the chamberlain ſhall have the ſaid account audited in the ſame manner, and by the ſame perſons who are appointed to audite the accounts of the chamberlain of *London*.

CCXI. *Sect.* 27. When any aſſeſſment ſhall be made, or within 10 days, a duplicate thereof ſigned by the perſons who ſigned the aſſeſſment, ſhall by the bedel of every ward be left with the chamberlain of *London*; and in default thereof, the chamberlain ſhall not pay any money drawn on him by the alderman or his deputy and common council of the ward wherein ſuch duplicate ſhall not be left with him, without the ſpecial order of the court of lord mayor and aldermen.

CCXII. *Sect.* 28. The chamberlain of *London* ſhall, out of the annual ſurpluſſes ariſing from the rates, diſcharge the draughts made on him by the aldermen of the ſeveral wards, for the payment of their contracts heretofore made for lighting the lamps according to the 9 *Geo.* 2. *cap.* 20.

CCXIII. *Sect.* 29. If any perſon ſhall wilfully break, throw down, or extinguiſh any lamp ſet up to light the ſtreets, or damage the poſts or furniture thereof, every perſon ſo offending and convicted by the oath of one witneſs before a juſtice of peace for *London*, ſhall for the firſt offence forfeit 40 *s.* for each lamp ſo broken, *&c.* and for the ſecond offence 50 *s.* and for the third offence 3 *l.*

CCXIV. *Sect.* 30. In caſe there ſhall be any deficiency in the aſſeſſments, ſo that the charges of enlightening the ſtreets cannot be paid in that year, the deficiency ſhall be carried to the next year's rate, and ſhall be made good thereout; and if at the expiration of ſeven years any ſurplus ſhall have ariſen, ſuch ſurplus ſhall remain in the chamber of *London*, to be applied either in aid of the orphans fund, or in abatement of future rates, or otherwiſe for the benefit of the citizens of *London*, as they by any act of common council ſhall direct.

CCXV. *Sect.* 31. The common council ſhall yearly between the 1st of *September* and the 20th of *October* order what rates ſhall be made.

CCXVI. *Sect.* 32. If any collector neglect to bring in his account to the alderman of the ward, or his deputy, as often as demanded, he ſhall forfeit 10 *l.* and 5 *l.* for every 20 days he ſhall detain the ſaid account.

CCXVII. *Sect.* 33. The collector ſhall in caſe of nonpayment within 30 days after the rates become due, apply to the lord mayor or to the alderman of the ward for a warrant to diſtrain, and ſhall execute the ſame under the penalty of 5 *l.* for every omiſſion.

CCXVIII. *Sect.* 34. It ſhall be lawful for the lord mayor or any juſtice of peace for the city of *London* to determine any of the offences puniſhable by any penalty to be levied by this act; and ſuch juſtice ſhall upon any informations or complaint made within 10 days after ſuch offence committed, ſummon the party accuſed and the witneſſes, and after oath or affirmation made of any of the ſaid facts by one witneſs iſſue a warrant for apprehending the party offending in the city of *London*; and upon the appearance, or contempt of the party accuſed in not appearing upon proof of notice given, give judgement; and where the party accuſed ſhall be convicted either

either by view of the juſtice or upon ſuch information, or on confeſſion, it ſhall be lawful for ſuch juſtice to iſſue a warrant for the levying the penalties on the goods of the offender, and to cauſe ſale to be made thereof, if not redeemed in five days, rendering to the party the overplus: and in caſe any perſon be convicted of breaking, throwing down, or extinguiſhing any lamp, and no goods can be found, then it ſhall be lawful for the juſtice to commit ſuch offender to the houſe of correction, to be kept to hard labour for any time not leſs than one month, and not exceeding three months, or until ſuch penalty be paid.

CCXIX. *Sect.* 35. It ſhall be lawful for ſuch juſtice to mitigate the penalties, ſo as ſuch mitigation do not extend to remit above one moiety.

CCXX. *Sect.* 36. If any perſon find himſelf aggrieved he may appeal to the next general or quarter-ſeſſions, who ſhall finally determine the ſame; and in caſe of conviction iſſue a warrant for levying the penalties.

CCXXI. *Sect.* 37. All the penalties to be levied by this act, not before appropriated, ſhall be paid one moiety to the perſon who ſhall inform and proſecute, and the other moiety to the alderman of the ward or his deputy, to be by him paid into the chamber of *London*, to be applied as part of the fund for maintaining ſuch lights.

CCXXII. *Sect.* 38. The 9 *Geo.* 2. *cap.* 20. ſhall be repealed, except ſo far as is herein after otherwiſe provided.

CCXXIII. *Sect.* 39. Nothing in this act ſhall repeal any of the rates aſſeſſed by the former act, which ſhall be due on the 24th of *June* 1744, or any of the remedies for collecting the ſame.

CCXXIV. *Sect.* 40. If any action be commenced for any thing done in purſuance of this act, the action ſhall be brought within ſix months after the fact, and ſhall be laid in *London*; and the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts.

CCXXV. *Sect.* 41. This act ſhall be deemed a public act.

CCXXVI. **Stat.** 18 *Geo.* 2. *cap.* 33. *ſect.* 2. It ſhall be lawful for any perſon to make uſe of any cart drawn by three horſes *on the paved ſtreets within the bills of mortality* notwithſtanding 2 *W. & M. ſt.* 2. *cap.* 8. *ſect.* 16.

CCXXVII. *Sect.* 3. Provided that in caſe any perſon make uſe of any ſuch cart drawn by more than three horſes, he ſhall be liable to all the penalties by the ſaid act inflicted upon perſons uſing carts drawn by more than two horſes.

CCXXVIII. **Stat.** 33 *Geo.* 2. *cap.* 30. *ſect.* 1. The mayor, aldermen, and commons, of the city of *London*, in common council aſſembled, ſhall have power not only to widen the ſtreets and paſſages mentioned in the firſt ſchedule to this act annexed, but alſo to lay out new ſtreets and paſſages in the parts mentioned in the ſecond ſchedule.

CCXXIX. *Sect.* 2. The ſaid common council ſhall have power to agree with the owners and occupiers and all perſons intereſted in houſes, buildings, and eſtates neceſſary to be purchaſed, and to purchaſe the ſame; and to cauſe ſuch buildings to be pulled down, and ſuch grounds to be laid into new ſtreets, towards widening the preſent ſtreets and paſſages deſcribed in the two ſchedules.

CCXXX. *Sect.* 3. It ſhall be lawful for all bodies politic, truſtees, guardians and committees for lunaticks and ideots, executors, adminiſtrators, and guardians on behalf of their ceſtuique truſts, and for all femes covert ſeiſed in their own right, and for all perſons intereſted in any lands or hereditaments, neceſſary to be purchaſed, to ſell and convey ſuch lands, *&c.* to the ſaid mayor and commonalty and citizens. And if any perſon intereſted in any ſuch lands ſhall refuſe to agree for the ſale, or by reaſon of diſability cannot agree, or ſhall not produce a clear title, then the ſheriffs of the ſaid city ſhall upon a warrant directed to them by the court of mayor and aldermen impanel and return a number of perſons qualified to ſerve on juries, not leſs than 48 nor more than 72; and out of ſuch perſons a jury of 12 ſhall be drawn, as juries for the trial of iſſues joined in the courts at *Weſtminſter*, by 3 *Geo.* 2. *cap.* 25. And all parties concerned ſhall have their lawful challenges, but ſhall not challenge the array. And the ſaid court is impowered by precept to call before them all perſons proper to be examined as witneſſes on oath, and authorize the jury to view the places

in queſtion: and the ſaid jury upon their oaths ſhall inquire of the value of ſuch lands, and of the intereſt of every perſon intereſted therein, and aſſeſs the ſum to be paid for the purchaſe of their intereſts; and the ſaid court ſhall give judgment for ſuch ſum, which verdict and judgment (notice in writing being given to the perſons intereſted, 14 days before ſuch aſſeſſment, declaring the time and place of the meeting of the court and jury, by leaving ſuch notice at the dwelling houſe of ſuch perſons, or their uſual places of abode, or with ſome tenant of the lands to be valued in caſe ſuch perſon cannot be found) ſhall be concluſive againſt all perſons: and the ſaid verdicts and judgements, and all other proceedings of the ſaid court and juries, ſhall be written on parchment, and ſigned by the town clerk of the ſaid city.

CCXXXI. *Sect.* 4. Upon payment of the money ſo awarded, the perſons to whom the ſame ſhall be awarded ſhall execute legal conveyances to the ſaid mayor and commonalty and citizens, or to ſuch perſon as the common council ſhall appoint, of the ſaid lands, or of ſuch intereſt for which ſuch money ſhall be ſo awarded. And in caſe ſuch perſons ſhall not be able to evince their title and to make legal conveyances, or ſhall refuſe ſo to do, ſuch ſums being tendered, or in caſe ſuch perſon cannot be found within the ſaid city or liberties thereof; or in caſe by reaſon of diſputes in any court, or for defect of evidence, it ſhall not appear what perſon is intitled; then it ſhall be lawful for the court of mayor and aldermen to order the ſums ſo awarded to be paid into the bank of *England*, for the uſe of the parties intereſted, to be paid them according to their intereſts, at ſuch time as the ſaid court ſhall direct: and the caſhier of the bank who ſhall receive ſuch ſums is to give receipts for ſuch ſums, ſpecifying for what premiſſes, and for whoſe uſe, the ſame are received.

CCXXXII. *Sect.* 5. All ſuch verdicts, judgements, and proceedings of the court of mayor and aldermen, and juries, as relate to any lands or hereditaments ſo to be purchaſed, and all receipts which the caſhiers of the bank ſhall give for money paid into the bank in conſequence of any ſuch verdict and judgment, ſhall be entered into diſtinct books kept among the records of the ſaid court: and the ſaid verdicts, judgements, and proceedings ſhall be deemed records, and the ſame or copies thereof ſhall be deemed evidence in any court of law or equity: and all perſons may have recourſe to the ſame *gratis*, and take copies, paying for every copy not exceeding 200 words 4 *d.* and ſo proportionably for any greater number of words: and on ſuch payment, and entry of ſuch verdicts, judgements, and proceedings, and of ſuch receipt of the ſaid caſhier, all the eſtate of the perſons for whoſe uſe ſuch money ſhall be paid, in the ſaid lands, ſhall veſt in the ſaid mayor and commonalty and citizens, or the perſons to whom the common council ſhall direct ſuch conveyances to be made.

CCXXXIII. *Sect.* 6. It ſhall be lawful for the court of mayor and aldermen, after ſuch payment into the bank and entry, upon the petition of any perſon in whom the legal eſtate in poſſeſſion of ſuch lands was veſted at the time of the ſaid payment, to place out ſuch money in ſome of the public funds, or on government ſecurity, at intereſt, in the names of the chamberlain, town clerk, and comptroller of the chamber of the ſaid city; and the ſame ſhall, as ſoon as may be after the death or removal of any of them, be by the ſurvivors transferred into the names of the chamberlain, town clerk, and comptroller of the chamber of the ſaid city, for the time being; in truſt, to transfer the ſame to ſuch perſons to whom the premiſſes ſhall belong on their executing proper conveyances, and in the mean time to pay the intereſt to ſuch perſons ſo in poſſeſſion of the premiſſes.

CCXXXIV. *Sect.* 7. All perſons intitled to recover the meſne profits againſt the perſons ſo in poſſeſſion in caſe the ſame had not been ſo veſted in the ſaid city, ſhall be intitled to recover the intereſts aforeſaid againſt the perſons who ſhall receive the ſame; and the bank are to obey ſuch orders as ſhall be made by the court of mayor and aldermen for the payment of ſuch money in order to the ſame being inveſted in public ſecurities. And the ſaid mayor and commonalty and citizens, or perſons to whom the premiſſes ſhall by the common council be ordered to be conveyed, ſhall be quieted in the poſſeſſion, and ſhall not be accountable for the money ſo placed out any otherwiſe than according to this act.

CCXXXV. *Sect.*

CCXXXV. *Sect.* 8. In caſe any feme covert be ſeiſed of any lands ſo to be purchaſed to her ſeparate uſe, the purchaſe money ſhall be paid to ſuch perſon as ſhe ſhall by writing under her hand nominate, in truſt, to be reinveſted in lands to be ſettled for ſuch uſes as the ſaid feme covert had in the premiſſes ſo purchaſed.

CCXXXVI. *Sect.* 9. The money ariſing from the ſale of any hereditaments purchaſed of any body corporate, feoffees in truſt, guardians, committees, or truſtees, ſhall be paid to them or ſuch perſons as they ſhall nominate, in truſt, to be reinveſted in the purchaſe of other lands to be ſettled to the like uſes as the hereditaments purchaſed.

CCXXXVII. *Sect.* 10. All bargains and ſales inrolled in the huſtings of the ſaid city, of lands purchaſed for the purpoſes of this act, ſhall have the effect which fines or recoveries would have.

CCXXXVIII. *Sect.* 11. All perſons claiming any right in lands purchaſed for the purpoſes of this act by any ſuch bargain and ſale, ſhall within five years from the date of the inrollment of ſuch bargain and ſale enter a memorial of ſuch their right in a book to be kept by the town clerk of the ſaid city: for which entry he ſhall be intitled to ſuch fee, as the regiſter of *Middleſex* is intitled to for the regiſtry of a memorial containing the ſame number of words; and all perſons not entering ſuch right within ſuch time, or having entered and not proſecuted ſuch right with effect within five years from the time of ſuch entry, ſhall be for ever barred.

CCXXXIX. *Sect.* 12. Any perſon barred of any right by this act, ſhall be at liberty to bring an action againſt any perſons or their repreſentative who received the purchaſe-money of the ſaid lands.

CCXL. *Sect.* 13. Every tenant at will, or leſſee for a year, of lands purchaſed for the purpoſes of this act, ſhall deliver up poſſeſſion immediately to ſuch perſons as the common council ſhall appoint, on payment or tender of ſix months rent, or 12 months notice to quit poſſeſſion. And in caſe any ſuch perſon refuſe to give ſuch poſſeſſion, it ſhall be lawful for the court of mayor and aldermen to iſſue their precept to the ſheriffs of the ſaid city, to deliver poſſeſſion to ſuch perſons as ſhall in ſuch precept be nominated: and the ſaid ſheriffs are to deliver ſuch poſſeſſion, and to levy the coſts of the iſſuing and execution of ſuch precept on the perſon refuſing to give poſſeſſion, by diſtreſs and ſale of goods.

CCXLI. *Sect.* 14. All perſons having any mortgage on ſuch lands, not being in poſſeſſion, ſhall on tender of the principal and intereſt due, together with ſix months intereſt, by the common council or ſuch perſon as they ſhall appoint, aſſign ſuch mortgage to the ſaid city or ſuch perſon as the common council ſhall appoint; or in caſe ſuch mortgagee ſhall have notice in writing from the common council or perſon by them appointed, that they will pay off the principal and intereſt due on the ſaid mortgage at the end of ſix months from ſuch notice, then at the end of the ſaid ſix months on payment of the principal and intereſt ſo due, ſuch mortgagee ſhall aſſign: And in caſe ſuch mortgagee refuſe to aſſign on ſuch tender or payment, then all intereſt on ſuch mortgage ſhall ceaſe.

CCXLII. *Sect.* 15. Upon payment of the principal and intereſt due on ſuch mortgage into the bank at the end of ſix months from ſuch notice, for the uſe of the mortgagee, to be paid him at ſuch time as the court of mayor and aldermen ſhall direct, the caſhier of the bank ſhall give a receipt; and thereupon all the eſtate of the ſaid mortgagee and of every perſon in truſt for him ſhall veſt in the ſaid city.

CCXLIII. *Sect.* 16. All money to be paid purſuant to ſuch agreement or verdict, or due on ſuch mortgage, ſhall be tendered to the party intitled to the ſame; and in caſe of refuſal to accept, ſhall be paid into the bank; before the common council or any perſon appointed by them, ſhall pull down any buildings, or uſe the ground for the purpoſes of this act: and the ſaid monies ſhall be paid into, and the accounts thereof carried on by the bank, in the names of the chamberlain, town clerk, and comptroller of the chamber of the ſaid city, in truſt for the perſons intitled to the ſaid monies.

CCXLIV. *Sect.* 17. The court of mayor and aldermen ſhall have power to impoſe any fine, not exceeding 10 *l.* on ſuch ſheriffs, or their deputies, bailiffs or agents, making default in the premiſſes; and on any perſons returned on juries, who ſhall not appear or refuſe to be ſworn, or not give their verdict; and on any perſons ſummon-

ed to give evidence who ſhall not attend, or refuſe to be ſworn, or to give evidence; alſo on any perſons who ſhall wilfully neglect their duty in the premiſſes; and to levy ſuch fines by diſtreſs and ſale of the offenders goods, by warrant of any juſtice of peace, with the charges of diſtreſs and ſale. And all ſuch fines ſhall be applied to the uſe of the poor of the hoſpitals of *Bridewell* and *Bethlehem*, and be paid to the treaſurer of the ſaid hoſpitals.

CCXLV. *Sect.* 18. If any perſon ſhall be applied to on behalf of the common council to ſell any part of any houſe or ground, in the occupation of one tenant, or of ſeveral joint tenants, and ſhall by notice in writing to be left at the comptroller's office in the Guildhall of the ſaid city within 30 days after ſuch application, ſignify his deſire to ſell the whole of ſuch houſe or ground, then the whole ſhall be deemed neceſſary to be purchaſed; and if the common council ſhall not be willing to purchaſe the whole, then nothing in this act ſhall compel the owners or occupiers to ſell any part.

CCXLVI. *Sect.* 19. It ſhall be lawful for the common council, or any perſon in whom any houſe or ground ſhall be veſted by this act, to let or ſell ſuch parts thereof as ſhall not be neceſſary for the opening or widening any ſtreets and paſſages.

CCXLVII. *Sect.* 20. It ſhall be lawful for the common council to appoint a committee to manage ſuch matters as ſhall be neceſſary in the execution of the purpoſes of this act; which committee ſhall have ſuch powers by this act given to the common council as the common council ſhall delegate to ſuch committee.

CCXLVIII. *Sect.* 21. Provided no perſon concerned in building, or dealing in any materials for building, ſhall be a member of any committee ſo appointed, neither ſhall any perſon be eligible during ſuch time as he ſhall have any office or place of profit under this act, or hold any place under the ſaid mayor and commonalty and citizens, or during ſuch time as he ſhall have any intereſt in any contract for effecting the purpoſes aforeſaid.

CCXLIX. *Sect.* 22. Whatever the tythe, or yearly ſum, or cuſtomary payment in lieu of tythe, charged on any meſſuages or buildings to be pulled down and laid into ſtreets ſhall be valued at by any jury impanelled by virtue of this act, ſhall be deducted out of the ſum at which the ſaid buildings ſhall be ſo valued, and the ſame ſhall be paid into the chamber of *London*, for the uſe of the city: and all ſuch tythes, &c. which ſhall be in arrear or ſhall after become due to the rectors, vicars, or curates, of the pariſhes wherein ſuch buildings are, for ſuch buildings ſo pulled down, ſhall be charged upon all the lands and other revenues of the ſaid city, and ſuch arrears ſhall be forthwith paid; and the growing payments ſhall be payable to the rectors, &c. clear of all deductions, by the chamberlain at the four uſual quarterly feaſts, the firſt payment to be on ſuch of the ſaid feaſts as ſhall firſt happen after pulling down ſuch buildings.

See ſect. 23, 24, 25, 26, 27. *in* **Fire.**

CCL. *Sect.* 28. If any preſentment ſhall be made by any inqueſt in *London* that any houſes in the ſaid city or liberties are in ſuch ruinous condition that paſſengers are in danger of their lives from the falling of bricks or timber therefrom, the court of mayor and aldermen ſhall on notice of ſuch preſentment and a copy laid before them, cauſe a proper hoard to be put up to guard all ſuch ruinous houſes from the public ſtreet, and cauſe notice in writing to be given to the owners, if they can be found in the ſaid city or liberties, and if not, cauſe ſuch notice in writing to be left at the premiſſes, to repair or take down ſuch buildings within ſix days next enſuing: and if ſuch owners ſhall not repair or take down the ſame within the ſaid ſix days, then on proof on oath of ſuch notice being given or left, the ſaid court ſhall cauſe ſo much of ſuch houſes as are in ſuch ruinous condition, and likely to be dangerous to paſſengers, to be taken down and ſecured. And the charges of putting up ſuch hoard, and taking down and ſecuring ſuch ruinous houſes, ſhall be paid by the owners if known, and they can be met with in the ſaid city or liberties; and if ſuch owners ſhall on demand neglect to pay the ſame, then ſuch charges may be levied by warrant of any ſuch juſtice of peace by diſtreſs and ſale of the goods of ſuch owners, if any ſuch can be found in *London*; and if no ſuch owners can be met with in the ſaid city or liberties, nor ſufficient diſtreſs, then the perſon who ſhall at any time after occupy ſuch houſes or the ground whereon

the ſame ſtood, is required and authorized to pay the ſame, and to deduct the ſame out of the rent; and if he neglect to pay ſuch charges, then the ſame ſhall by warrant of any ſuch juſtice be levied by diſtreſs and ſale of the goods of ſuch occupier, as other diſtreſſes and ſales by this act directed, with the coſts of diſtreſs and ſale: and the landlord is to allow ſuch occupier all ſuch charges which he ſhall ſo pay, or which ſhall be recovered by diſtreſs and ſale from him upon receipt of the rent. And ſuch money, as the ſame ſhall be received or recovered, ſhall be paid to the chamberlain of the city, and be placed to the credit of the caſh of the ſaid city.

CCLI. *Sect.* 29. If it appear on oath before any juſtice of peace of the city of *London*, or be found on the view of any ſuch juſtice, or by the preſentment of any inqueſt of the ſaid city, that any pavement in the ſaid city or liberties, is damaged by the breaking up the ſame to amend or re-lay any water-pipes, or to lay water therefrom, or by the burſting or ouzing of any water-pipe, or by the improper laying of any water-pipe, belonging to any proprietors of water-works; or that any ſuch pavement hath been new laid by any paviour employed by any proprietors of water-works in an improper manner; then it ſhall be lawful for any ſuch juſtice to cauſe notice thereof in writing to be given by the party complaining, at the public office of the proprietors of the water-works to whom ſuch water-pipes which occaſioned ſuch damage belong, or by whoſe paviour any pavement has been ſo defectively laid, or with their collector of the diſtrict in which ſuch default ſhall be, to make good ſuch pavement within three days: and if the proprietors of ſuch water-works ſhall not within the ſaid three days cauſe at their coſts every ſuch defective pavement to be effectually repaired, it ſhall be lawful for any ſuch juſtice to cauſe ſuch pavement to be repaired by any paviour: and every paviour who purſuant to any order of ſuch juſtice ſhall re-lay ſuch pavement, ſhall be paid the charges aſcertained under the hand of ſome juſtice of the city of *London*, who is to determine whether all or what part of ſuch charges ought to be paid by the proprietors of ſuch water-works, or whether any and what part ought to be paid by the perſons liable to have made good ſuch pavement in caſe the ſame had not been damaged. And if the proprietors of ſuch water-works ſhall not on demand at their public office, or on their collector of the diſtrict, of the money ordered to be paid by ſuch juſtice, pay the ſame within three days; or if any perſon liable to have made good ſuch pavement, ſhall not pay ſuch part as ſuch juſtice ſhall order within three days after notice given or left at his place of abode, and demand of payment; then on oath of ſuch demand, and of the money ſo ordered remaining unpaid three days from the time of having been demanded, ſuch juſtice ſhall by warrant directed to the conſtables of the ſaid city, cauſe the expences of amending ſuch pavement to be levied by diſtreſs and ſale of the goods of the proprietors of ſuch water-works, or of the collector of the diſtrict, or of the perſons liable to make good ſuch pavement, in ſuch proportion as ſuch juſtice ſhall determine, with the charges of ſuch diſtreſs and ſale; which money when levied ſhall be paid to the paviour employed by ſuch juſtice.

CCLII. *Sect.* 30. The inhabitant of any pariſh where any offence againſt this act ſhall have been committed, ſhall be admitted a witneſs notwithſtanding his inhabitancy in ſuch pariſh.

CCLIII. *Sect.* 31. No order made by any juſtice under this act, or any other proceedings touching the conviction of any offender againſt this act, ſhall be quaſhed for want of form; or be removed by *certiorari* or any other proceſs into any court of record at *Weſtminſter*.

CCLIV. *Sect.* 32. If any action be brought for any thing done in purſuance of this act, or in relation to the premiſſes, ſuch action ſhall be brought within ſix months after the fact, and ſhall be laid in the city of *London*. And the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall have treble coſts.

CCLV. *Sect.* 33. This act ſhall be deemed a public act.

Firſt SCHEDULE *to which the Act refers.*

Openings to be made

In the ward of *Alderſgate.*

A *Paſſage*, 20 *feet wide*, *to be opened from the eaſt ſide of* Alderſgate Street (*oppoſite to* Little Britain) *to the weſt of* Noble Street, *oppoſite to* Oat Lane; *and from thence through to* Wood Street, *oppoſite to* Love Lane.

In the ward of *Aldgate.*

A paſſage, 50 *feet wide*, *to be opened*, *from the maſon's ſhop facing* Crutched Fryers, *in the occupation of* Dent, *in a direct line to the* Minories.

A paſſage, 25 *feet wide*, *to be opened through* Northumberland Alley, *into* Crutched Fryers.

In the ward of *Biſhopſgate.*

A paſſage, 25 *feet wide*, *to be opened*, *through* Angel Court, *in* Biſhopſgate Street, *into* Little Saint Helen's.

A paſſage, 20 *feet wide*, *to be opened*, *from* Broad Street, *through* Union Court, *into* Biſhopſgate Street.

In *Coleman Street* ward.

A paſſage, 50 *feet wide*, *to be opened*, *from the north end of* Tokenhouſe Yard *to* London Wall.

In the ward of *Farringdon without.*

A paſſage, 30 *feet wide*, *in the middle part of* Snow Hill, *from thence to* Fleet Market.

A paſſage, 25 *feet wide*, *from* Butcherhall Lane *into* Little Britain.

In *Farringdon* ward *within.*

To make a paſſage through Cock Alley, *on the ſouth ſide of* Ludgate Hill, *and oppoſite to the* Old Bailey, 40 *feet wide*, *into* Black Fryers.

Second SCHEDULE.

Paſſages to be enlarged

In the ward of *Aldgate.*

TO *pull down the houſes on the eaſt ſide of* Billiter Lane, *to enlarge the paſſage to the width of* 30 *feet.*

To pull down the houſes at the eaſt end of Leadenhall Street, *to make the paſſage there* 35 *feet wide.*

To pull down ſuch part of the houſes on the eaſt ſide of Poor Jury Lane, *beginning at, and including, a houſe on the north ſide of* The Horſe and Trumpet, *and extending ſouthwards towards* Gould Square, *as will be ſufficient to range in a line with that end of the lane next to* Aldgate; *the paſſage of which is to be made* 35 *feet wide, by pulling down, and ſetting back, all the houſes from the gate to the ſaid* Horſe and Trumpet.

In

Paving, lighting, cleansing, and Watching.

In *Broad Street* ward.

To pull down the house at the west end of the buildings between Cornhill *and* Threadneedle Street, *and opposite to the south end of* Prince's Street, *and lay the ground into the street.*

To pull down the houses on the south side of Threadneedle Street, *extending from the house before-mentioned eastward, till it reaches to that part of the street which is opposite to the* Bank *gates; and to enlarge the passage there to* 35 *feet in width.*

In the ward of *Coleman Street.*

To pull down one house on the north east corner of the Old Jury, *and another house at the south west corner of* Coleman Street, *both occupied by brasiers, and lay the ground into the street.*

In *Cordwainer's* ward.

To pull down the house at the north east corner of Trinity Lane *near the* Dog *tavern, and lay the ground into the street.*

In the ward of *Cornhill.*

To pull down the house at the west end of the buildings between Cornhill *and* Lombard Street, *and lay the ground into the street.*

In the ward of *Cripplegate within.*

To pull down the houses which project forwards at the west end of Silver Street, *from the end of* Monkwell Street, *quite through into* Alderſgate Street, *to make a street* 40 *feet wide.*

To pull down the house at the corner of Aldermanbury *facing* Milk Street, *which was formerly the* Baptiſt Head *Tavern, and lay the ground into the street.*

In the ward of *Farringdon within.*

To pull down the tin ſhop, and the trunkmaker's houſe, at the ſouth weſt corner of Cheapſide, *leading into* Saint Paul's Churchyard, *and lay the ground into the ſtreet.*

To pull down ſuch part of the houſes in Creed Lane *as are neceſſary to widen the paſſage to* 30 *feet.*

In the ward of *Farringdon without.*

To pull down all the houſes in the middle row between the paved alley adjoining to Saint Sepulchre's Church *and* Giltſpur Street, *from the north end thereof quite through to the ſouth end, which faces* Hart Street, *and lay the ground into the ſtreet.*

To pull down all the houſes in the middle row between the Great Old Bailey *and* Little Old Bailey, *beginning at the north end thereof, which faces* Hart Street, *and proceeding ſouthwards, including the* Baptiſt's Head *at the ſouth end, facing the* Great Old Bailey, *and lay the ground into the ſtreet.*

To pull down the ſhops under Saint Dunſtan's *church in* Fleet Street, *and lay the ground into the ſtreet.*

In *Langbourn* ward.

To pull down ſuch part of the houſes, at the end of Mark Lane, *next to* Fenchurch Street, *as will make the paſſage there* 30 *feet wide.*

To pull down ſuch part of the houſes at the eaſt end of Lombard Street *as will make the paſſage there* 30 *feet wide.*

In

Paving, lighting, cleanſing, and watching.

In the ward of *Portſoken.*

To pull down the houſe at the north eaſt corner of Hounſditch, *and adjoining to the* church-yard, *and lay the ground into the ſtreet.*

In *Tower* ward.

To pull down ſuch part of the houſes on Saint Dunſtan's Hill, *adjoining to the* George *ale-houſe, and oppoſite to the chain, and ſuch part of the warehouſes oppoſite to the end of* Saint Dunſtan's *church, as will render the paſſage there* 30 *feet wide.*

To pull down the houſe on the north weſt corner of Great Tower Street, *now occupied by maſter* Crawford, *a bruſhmaker, and alſo the houſe on the ſouth eaſt corner of* Little Tower Street, *now in the occupation of meſſieurs* Julon *and* Lindner, *hatters, to make that paſſage convenient.*

To pull down the houſe in Mark Lane *which adjoins to the church of* Allhallows Staining, *and projects* 12 *feet before the other houſes, to make it range in a line with the ſaid houſes, and enlarge the narrow paſſage there.*

In the ward of *Vintry.*

To pull down the houſes on the north ſide of Thames Street *which reach from* Elbow Lane *to* College Hill, *and alſo thoſe houſes on the ſouth ſide of the ſaid ſtreet which reach from* Vintners Hall *to* Bull Wharf Lane, *to make the ſaid ſtreet* 40 *feet wide.*

To pull down the houſe at the corner of Tower Royal, *facing* College Hill, *and lay the ground into the ſtreet.*

In the ward of *Wallbroke.*

To pull down the houſe at the north eaſt corner of Bucklerſbury, *which projects before the other buildings.*

In *Biſhopſgate* ward.

To pull down the two houſes between New Broad Street *and* New Broad Street Buildings, *which project ſo far into the ſtreet as to make the paſſage to the ſaid ſtreets inconvenient.*

Perjury.

XVI. **Stat.** 23 *Geo.* 2. *cap.* 11. *ſect.* 1. In every information or indictment of wilful and corrupt perjury, it ſhall be ſufficient to ſet forth the ſubſtance of the offence charged, and by what court, or before whom the oath was taken (averring ſuch court or perſon to have authority to adminiſter the ſame) together with the proper averment to falſify the matter wherein the perjury is aſſigned, without ſetting forth the bill, anſwer, information, indictment, declaration, or any part of any record or proceeding; and without ſetting forth the commiſſion or authority of the court or perſon before whom the perjury was committed.

XVII. *Sect.* 2. In every information or indictment for ſubornation of perjury, or for corrupt bargaining with others to commit wilful and corrupt perjury, it ſhall be ſufficient to ſet forth the ſubſtance of the offence charged, without ſetting forth the bill, anſwer, information, indictment, declaration, or any part of any record or proceeding, and without ſetting forth the commiſſion or authority of the court or perſon before whom the perjury was committed, or agreed to be committed.

XVIII. *Sect.* 3. It ſhall be lawful for any juſtice of aſſize, or *niſi prius*, or general gaol delivery, or of any of the great ſeſſions of *Wales*, or of the counties palatine (ſitting the court or within 24 hours after) to direct any perſon examined as a witneſs before them, to be proſecuted for perjury, in caſe there appear a reaſonable cauſe; and to aſſign the party injured, or other perſon undertaking ſuch proſecution, council

council, who ſhall do their duty without fee. And every proſecution ſo directed ſhall be carried on without payment of any tax, and without payment of any fees in court, or to any officer of the court: and the clerk of aſſize, or his aſſociate or prothonotary, or other officer of the court attending when ſuch proſecution is directed, ſhall without fee give to the party injured, or other perſon undertaking ſuch proſecution, a certificate of the ſame being directed, with the names of the council aſſigned him; which certificate ſhall be deemed ſufficient proof of ſuch proſecution having been directed as aforeſaid. Provided that no ſuch direction or certificate ſhall be given in evidence upon any trial againſt any perſon upon a proſecution ſo directed.

Phyſicians, apothecaries, and ſurgeons.

XXV. **Stat.** 18 *Geo.* 2. *cap.* 15. *ſect.* 1. The union and incorporation of the barbers and ſurgeons of *London*,, made by the 32 *Hen.* 8. *cap.* 42. Par. X. ſhall be diſſolved, and ſuch of the members of the ſaid united company who are freemen and admitted ſurgeons within the rules of the ſaid company, and their ſucceſſors, ſhall be made a ſeparate and diſtinct body corporate, to be called by the name of *Maſters governors and commonalty of the art and ſcience of ſurgeons of* London; and by the ſame name ſhall implead and be impleaded, and purchaſe and take to them and their ſucceſſors any lands or hereditaments not exceeding the yearly value of 200*l.* without incurring the penalties of the ſtatutes of mortmain.

XXVI. *Sect.* 2. It ſhall be lawful for the ſaid company from time to time to elect one principal maſter or governor, two other governors or wardens, ten examiners of ſurgeons, and 21 perſons to be the court of aſſiſtants of the ſaid company to be qualified and admitted in ſuch manner, and to continue in the ſaid offices for ſuch time, as by the by-laws of the company ſhall be directed.

XXVII. *Sect.* 3. It ſhall be lawful for the maſter and governors of the ſaid company, or any two of them, with nine or more of the court of aſſiſtants, as often as to two of the ſaid maſter and governors ſhall ſeem meet, to hold courts to conſult about the rule and government of the ſaid company; and for the maſter and governors and court of aſſiſtants, or the major part of them, to make or abrogate by-laws.

XXVIII. *Sect.* 4. Provided that ſeveral by-laws made for the regulation of the united company relating to ſurgery only, and which on the 23[d] of *June* 1745, ſhall not be repealed by virtue of this act, ſhall continue and be obſerved by the company of ſurgeons until the ſame be repealed by virtue of this act.

XXIX. *Sect.* 5. *John Ranby* eſq; ſhall be principal maſter or governor; maſter *Joſeph Sandford* and *William Cheſelden* eſq; two of the preſent wardens of the united company, ſhall be the two wardens of the company of ſurgeons until others be elected: and *Ambroſe Dickins* eſq; *William Petty* eſq; *John Shipton* eſq; the ſaid *William Cheſelden*, *John Freke*, *William Pyle*, *Legard Sparham*, *James Hickes*, and *Peter Sainthill*, who are the preſent examiners of ſurgeons, together with the ſaid *John Ranby*, ſhall be examiners of ſurgeons for the company of ſurgeons; and ſhall continue in the ſaid office for life, or until they be removed according to the by-laws of the company of ſurgeons: and the ſaid *John Ranby*, *Joſeph Sandford*, *William Cheſelden*, *Ambroſe Dickins*, *William Petty*, and *John Shipton*, *John Hayward*, the ſaid *John Freke*, *William Pile*, *Legard Sparham*, *James Hickes*, and *Peter Sainthill*, *Noah Roud*, *John Weſtbrook*, *William Singleton*, and *James Phillips*, and ſuch five others as ſhall be elected in purſuance of this act, ſhall be the court of aſſiſtants of the company of ſurgeons; and ſhall continue in the ſaid office for life or until they be removed.

XXX. *Sect.* 6. It ſhall be lawful for the ſaid *John Ranby*, and other 15 perſons herein before appointed to be of the court of aſſiſtants, to meet at ſuch place as the ſaid *John Ranby*, *John Sandford*, and *William Cheſelden*, or two of them, ſhall appoint, on the 1[ſt] of *July* 1745, between ten and two of the ſame day, to elect, out of the freemen of the ſaid company, ſo many perſons to be of the court of aſſiſtants as will

will make the number 21, to continue in the ſaid office for life, or until they be removed.

XXXI. *Sect.* 7. The maſter, governors, and court of aſſiſtants for the time being, of the company of ſurgeons, ſhall upon the 1st *Thurſday* in *July* in every year, meet at ſuch place as the maſter and governors, or two of them ſhall appoint; and elect out of their body, by the majority of votes of ſuch who ſhall be preſent, one principal maſter or governor, and two governors or wardens for the ſucceeding year; and elect out of their own body, ſuch other perſon to be examiner of ſurgeons, in the place of ſuch examiner, as ſhall have happened to die, or have been removed in the preceding year; and elect out of the freemen ſuch perſon to be of the court of aſſiſtants in the place of ſuch perſon who ſhall have happened to die or have been removed from the ſaid office.

XXXII. *Sect.* 8. The company of ſurgeons and their ſucceſſors, and all freemen of the ſame company, ſhall for ever have and enjoy the ſame liberties, privileges, franchiſes, powers, and authorities, as the members of the united company being freemen and admitted ſurgeons, within the rules of the ſaid company, could have had by 32 *Hen.* 8. *cap.* 42. and the letters patent of King *Charles* I. and other royal grants and patents therein mentioned, ſo far as the ſame relate to ſurgery only: and they, and all ſuch who have been or ſhall be examined and approved, purſuant to the rules of the ſaid company, ſhall be intitled to practiſe ſurgery throughout his Majeſty's dominions.

XXXIII. *Sect.* 9. The examiners of the company of ſurgeons eſtabliſhed by this act ſhall upon requeſt examine every candidate to ſerve as a ſurgeon, or ſurgeon's mate, of any regiment, troop, company, hoſpital, or garriſon of ſoldiers in the ſervice of his Majeſty, as they examine any ſurgeon appointed to ſerve on board any ſhip in the ſervice of his Majeſty.

XXXIV. *Sect.* 10. All freemen of the company of ſurgeons incorporated by this act, who have been or ſhall be examined and approved purſuant to the rules of the ſaid company, for ſo long time as they ſhall uſe the art or ſcience of ſurgery, ſhall be exempted from the offices of conſtable, ſcavenger, overſeer of the poor, and all other pariſh, ward, and leet offices, and from ſerving upon any jury or inqueſt: and if any ſuch perſon ſhall be choſen into any of the ſaid offices, or returned to ſerve upon any jury, leet, or inqueſt, or be diſturbed by reaſon thereof, ſuch perſon producing a teſtimonial, under the common ſeal of the ſaid corporation, of his examination, approbation, and freedom, to the perſon by whom he ſhall be ſo appointed, or by or before whom he ſhall be ſummoned, ſhall be diſcharged from the ſame.

XXXV. *Sect.* 11. This act ſhall not extend to prejudice any of the privileges heretofore granted by any act or by any letters patent to the preſident and college, or commonalty, of the faculty of phyſic in *London*.

XXXVI. *Sect.* 12. Such of the members of the ſaid united company who are freemen of the ſaid company and are not admitted ſurgeons, and their ſucceſſors, ſhall be a body corporate, to be called by the name of *The maſter governors and commonalty of the miſtery of barbers of* London; and by the ſame name may plead and be impleaded, and purchaſe and take to them and their ſucceſſors any lands or hereditaments not exceeding the yearly value of 200 *l.* without incurring the penalties of the ſtatutes of mortmain.

XXXVII. *Sect.* 13. Maſter *Jonathan Medley*, the preſent firſt maſter or governor of the ſaid united company, and maſter *Humphrey Negus*, the preſent third maſter or governor, and ſuch two other perſons as ſhall hereafter be elected in purſuance of this act, ſhall be the maſter and governors of the company of barbers of *London*, incorporated by this act; and ſhall continue in the ſaid offices until others be choſen, according to the by-laws of the ſame company; and the ſaid *Jonathan Medley*, *Humphrey Negus*, and *William Parker*, *Luke Maurice*, *John Barnwell*, *John Truelove*, *William Haddon*, *John Negus*, *Edward Boxley*, *Samuel Rutter*, *Robert Scrooby*, *Richard Swithin*, *Edward Colebeck*, *Togarmah Jones*, and *John Gurney*, being 15 of the preſent court of aſſiſtants of the ſaid united company, and ſuch nine other perſons as ſhall hereafter be elected, ſhall be the court of aſſiſtants of the company of barbers incorporated

corporated by this act; and ſhall continue in the ſaid office for life, or until they be removed according to the by-laws of the ſaid company of barbers of *London*.

XXXVIII. *Sect.* 14. It ſhall be lawful for the ſaid *Jonathan Medley*, and 14 other perſons laſt-mentioned or the major part of them, to meet at the hall now belonging to the ſaid united company in *Monkwell-ſtreet* in the city of *London*, on the 25th of *June* 1745, between nine in the morning and one in the afternoon of the ſame day, to elect out of the freemen of the ſaid company of the barbers of *London*, incorporated by this act, by the majority of the votes of ſuch who ſhall be preſent, ſo many others to be of the ſaid court of aſſiſtants as will make the number 24, to continue in the ſaid office for life, or until they be removed; and immediately after ſuch court of aſſiſtants ſhall be made up, they ſhall by the majority of votes of ſuch as ſhall be preſent, elect from among themſelves two perſons to be the third and fourth governors of the ſaid company of the barbers of *London*, to continue in the ſaid offices as aforeſaid.

XXXIX. *Sect.* 15. It ſhall be lawful for the maſters and governors of the ſaid company of barbers or two of them, with 11 or more of the court of aſſiſtants, as often as to two or more of the ſaid maſter and governors ſhall ſeem meet, to hold courts at the hall of the ſaid company to conſult about the rule and government of the ſaid company of barbers; and for the maſter and governors and court of aſſiſtants, or the major part of them, to make by-laws, and the ſame to alter or repeal.

XL. *Sect.* 16. Provided the ſeveral by-laws made for the regulation of the ſaid united company, ſo far as the ſame do not relate to ſurgery, and which on the ſaid 23d of *June* ſhall not be repealed by virtue of this act, ſhall continue and be obſerved by the company of barbers incorporated by this act, until the ſame be repealed by virtue of this act.

XLI. *Sect.* 17. The maſter and governors of the ſaid company of barbers of *London* ſhall be yearly elected on the ſecond *Thurſday* in *Auguſt* by the court of aſſiſtants or the major part of them, or in ſuch manner as by the by-laws of the ſame company ſhall be ordained; and as often as any member of the ſaid court of aſſiſtants ſhall die, or be removed, it ſhall be lawful for the ſurviving members of the ſaid court or the major part of them, to elect one other perſon, being a freeman of the ſame company, to be a member of the ſaid court of aſſiſtants, in his room; and the perſon ſo elected ſhall continue in the ſaid office for life or until he be removed.

XLII. *Sect.* 18. The maſter governors and commonalty of the miſtery of barbers of *London*, hereby incorporated, and their ſucceſſors, and all perſons who ſhall be free of the ſame company, ſhall for ever have and enjoy the ſame liberties, privileges, franchiſes, powers, and authorities, as the ſaid united company, with reſpect to every thing but ſurgery, and the members thereof occupying the craft of barbery or ſhaving could have had and enjoyed by virtue of the 32 *Hen.* 8. *cap.* 42. and the letters patent of king *Charles* I. and other royal grants and patents therein mentioned, ſo far as the ſame do not concern the art and ſcience of ſurgery.

XLIII. *Sect.* 19. The ſum of 510*l.* now veſted in the ſaid united company, and which was given to them by *Edward Arris*, for the uſe of the anatomy lectures on the muſcles, and alſo the annuity of 16*l.* given to them by the will of *John Gale* gentleman, for one anatomy lecture, by the name of *Gale's anatomy*, and charged upon certain tenements at *Snow Hill* in *London*, ſhall from the 24th of *June* 1745, be veſted in and deemed the ſole property of the company of ſurgeons; and the ſaid 510*l.* ſhall be accordingly paid by the company of barbers of *London*, out of the effects of the united company, within three months after the ſaid 24th of *June*; and the ſaid ſum of 510*l.* and the annuity of 16*l.* *per annum*, ſhall be held by the company of ſurgeons, upon truſt, to be applied for the purpoſes intended by the donors; and the ſaid maſter governors and commonalty of the miſtery of barbers of *London*, and their ſucceſſors, ſhall for ever be diſcharged thereof; and ſhall be indemnified by the company of ſurgeons from all actions and expences on account thereof; and all the reſidue of the real and perſonal eſtate of the united company, and the arms or enſigns armorial of the ſame company ſhall be veſted in the company of barbers of *London*, for their ſeparate uſe.

XLIV. *Sect.*

Phyſicians, apothecaries, and ſurgeons.

XLIV. *Sect.* 20. Such of the books, papers, and writings which now belong to the united company, and relate to the ſurgeons or ſurgery only, ſhall immediately after the 1ſt of *July* 1745, be delivered to the maſter and governors and court of aſſiſtants of the company of ſurgeons, or ſuch perſon as they ſhall by writing appoint: and the maſter governors and court of aſſiſtants of the company of ſurgeons, or any of them, or ſuch perſon as they ſhall by writing appoint, ſhall at all ſeaſonable times upon notice have liberty to inſpect in the hands of ſuch perſon as the company of barbers ſhall appoint to have the cuſtody thereof, all the reſt of the books, papers, and writings, and alſo all the charters and deeds which now belong to the united company; and to take ſuch copies or extracts of the ſame, as the ſaid maſter governors and court of aſſiſtants of the company of ſurgeons, or ſuch perſon appointed as aforeſaid, ſhall deſire; and the company of barbers ſhall at all times upon reaſonable notice produce the ſaid laſt-mentioned books, papers, writings, charters, and deeds, or any of them, at the expence of the company of ſurgeons, upon any trial at law, or hearing in equity, or examination of witneſſes, or otherwiſe, where the company of ſurgeons ſhall have occaſion to make uſe thereof.

XLV. *Sect.* 21. Every perſon who hath been bound apprentice to any member of the united company, and by the laws or cuſtom of the city of *London* or otherwiſe would be intitled to his freedom of the ſaid united company, and to the freedom of the ſaid city, if this act had never been made, ſhall be intitled and admitted to his freedom in the company of ſurgeons, if his maſter was an examined ſurgeon; or elſe to his freedom in the company of barbers; and in either caſe ſhall be intitled and admitted to his freedom of the city of *London*.

XLVI. *Sect.* 22. This act ſhall be deemed a public act.

Piracy.

XXXIV. **Stat.** 18 *Geo.* 2. *cap.* 30. *ſect.* 1. All perſons being natural born ſubjects or denizens, who during the preſent or any future wars ſhall commit any hoſtilities upon the ſea, or in any place where the admirals have juriſdiction, againſt his Majeſty's ſubjects under colour of any commiſſion from any of his Majeſty's enemies, or ſhall be any other ways adherent to his Majeſty's enemies upon the ſea, or where the admirals have juriſdiction, may be tried as pirates, felons, and robbers, in the court of admiralty, on ſhip-board, or upon the land, and being convicted ſhall ſuffer ſuch pains of death, loſs of lands and goods, as any other pirates ought by 11 *Will.* 3. *cap.* 7. or any other act.

XXXV. *Sect.* 2. Any perſon tried and acquitted or convicted according to this act, ſhall not be liable to be proſecuted or tried again in *Great Britain* or elſewhere for the ſame fact, as high treaſon.

XXXVI. *Sect.* 3. Provided that nothing in this act ſhall prevent any perſons guilty of any of the ſaid crimes, who ſhall not be tried according to this act, from being tried for high treaſon within this realm, according to the 28 *Hen.* 8. *cap.* 15. Par. II.

Plague.

X. **Stat.** 26 *Geo.* 2. *cap.* 6. *ſect.* 1. All ſhips, perſons, and merchandizes, coming into any place within *Great Britain* or *Ireland*, or the iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, from any place from whence his Majeſty with the advice of his privy council ſhall judge it probable that the infection may be brought, ſhall be obliged to make their quarentine in ſuch place, for ſuch time, and in ſuch manner, as ſhall be directed by his Majeſty, by his order in council, notified by proclamation, or publiſhed in the *London Gazette*; and until ſuch ſhips, perſons, and merchandizes, ſhall be diſcharged from ſuch quarentine, no ſuch perſon or merchandizes ſhall come or be brought on ſhore, or go or be put on board any other ſhip in any place within his Majeſty's dominions, unleſs in ſuch manner, and in ſuch caſes, and by ſuch licence, as ſhall be permitted by ſuch order; and all ſuch ſhips,

and

and the perſons or goods on board, and all veſſels and perſons receiving any goods or perſons out of the ſame, ſhall be ſubject to ſuch orders concerning quarentine, and the prevention of infection, as have been or ſhall be made by his Majeſty in council, and notified by proclamation, or publiſhed in the *London Gazette* as aforeſaid.

XI. *Sect.* 2. If the plague appear on board any ſhip being to the northward of *Cape Finiſterre*, the maſter, or perſon having charge thereof, ſhall immediately proceed to the harbour of *New Grimſby* in the iſlands of *Scilly*, [*The place is changed for* St. Helen's Pool *by* 29 Geo. 2. cap. 8.] and make known his caſe to the officer of the cuſtoms there, who ſhall immediately acquaint ſome cuſtom-houſe officer of ſome near port of *England*; and the ſaid cuſtom-houſe officer ſhall with all ſpeed ſend intelligence thereof to one of the principal ſecretaries of ſtate, that meaſures may be taken for the ſupport of the crew of ſuch ſhip, and precautions uſed to prevent the ſpreading of the infection, and the ſhips ſhall remain at the iſlands of *Scilly*, till his Majeſty's pleaſure be known; nor ſhall any of her crew go on ſhore: but in caſe the maſter be not able to make the iſlands of *Scilly*, or be forced by ſtreſs of weather, or otherwiſe, to go up either of the channels, he ſhall not preſume to enter into any port, but ſhall remain in ſome open road, till he receives orders from his Majeſty, or his privy council, and ſhall take care to prevent any of his ſhip's company from going out of his ſhip, and to avoid all intercourſe with other ſhips or perſons; and the maſter, or any other perſon on board, who ſhall be diſobedient herein ſhall be adjudged guilty of felony, and ſhall ſuffer death as in caſes of felony, without benefit of clergy: and every ſuch offence ſo made felony may be enquired of and determined in the county where the offence ſhall be committed, or where he ſhall be apprehended.

XII. *Sect.* 3. When any place is infected with the plague, or any order is made by his Majeſty concerning quarentine, as often as any ſhip ſhall attempt to enter into any place in *Great Britain* or *Ireland*, or of the iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, the principal officer of the cuſtoms in ſuch place, or ſuch perſon as ſhall be authorized to ſee quarentine performed, ſhall go off, or cauſe ſome other perſon to go off to ſuch ſhip; and at a convenient diſtance demand of the commander an account of the following particulars, *viz.* the name of the commander, at what places the cargo was taken on board, what places the ſhip touched at in her voyage, whether ſuch places were infected with the plague, how long ſuch ſhip had been in her paſſage, how many perſons were on board when the ſaid ſhip ſet ſail, whether any and what perſons during that voyage on board had been infected with the plague, how many died in the voyage and of what diſtemper, what ſhips he or any of his company with his privity went on board, or had any of their company come on board his ſhip in the voyage, and to what place ſuch ſhips belonged, and the contents of his lading. And if it appear that any perſon then on board at the time of ſuch examination be infected with the plague, or that ſuch ſhip is obliged to perform quarentine, the officers of any ſhips of war, or any forts or garriſons, and other his Majeſty's officers whom it may concern, upon notice, and any other perſon whom they may call to their aſſiſtance, ſhall oblige ſuch ſhip to go to the place appointed for quarentine, and uſe all neceſſary means for that purpoſe, be it by firing guns at ſuch ſhip, or any other force or violence; and in caſe any ſuch ſhip ſhall come from any place viſited with the plague, or have any perſon on board infected, and the commander ſhall conceal the ſame, he ſhall be adjudged guilty of felony, and ſhall ſuffer death; and in caſe ſuch commander ſhall upon ſuch demand as aforeſaid not make a true diſcovery in any other of the particulars aforeſaid, for every ſuch offence he ſhall forfeit 200*l.* one moiety to the King, and the other moiety to him who ſhall ſue, by action of debt, *&c.* in any court of record at *Weſtminſter*, *Edinburgh*, *Dublin*, or in the proper courts of the iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark* or *Man*.

XIII. *Sect.* 4. Every maſter or perſon having charge of any veſſel ordered to perform quarentine, ſhall after his arrival at the place appointed for quarentine, deliver on demand to the chief officer appointed to ſee quarentine performed there, ſuch bill of health and manifeſt as he ſhall have received from any *Britiſh* conſul during his voyage, together with his log-book and journal, under penalty of forfeiting 500*l.* one

moiety to the King, the other moiety to him who ſhall ſue by action of debt, &c. in any of the courts aforeſaid.

XIV. *Sect.* 5. If any commander liable to perform quarentine, having notice, ſhall himſelf quit, or knowingly permit any ſeaman or paſſenger to quit ſuch ſhip, before ſuch quarentine ſhall be fully performed, unleſs in ſuch caſes, and by ſuch licence, as ſhall be directed by ſuch order concerning quarentine, or in caſe any commander ſhall not within convenient time after notice, cauſe ſuch ſhip and the lading to be conveyed into the place appointed, for every ſuch offence he ſhall forfeit 500*l.* one moiety to the King, and the other moiety to him who will ſue for the ſame; and if any perſon ſo quit ſuch ſhip contrary to this act, it ſhall be lawful for all perſons by any kind of force to compel ſuch perſon to return on board, and every perſon ſo quitting ſuch ſhip ſhall for every ſuch offence ſuffer impriſonment for ſix months, and forfeit 200*l.* one moiety to the King, the other moiety to him that will ſue for the ſame; the ſame penalties to be recovered by action of debt, &c. in any of the courts aforeſaid.

XV. *Sect.* 6. Whenever his Majeſty with the conſent of parliament ſhall direct houſes or lazarets to be provided for the receiving perſons, or the depoſiting and airing of goods liable to perform quarentine, it ſhall be lawful to erect the ſame, either in any waſte grounds or commons, or where ſuch grounds are not ſufficient, in the ſeveral grounds of any perſons not being a houſe, park, garden, orchard, yard, or planted walk, or avenue to a houſe, paying ſuch rent or conſideration as ſhall be agreed on between the perſons intereſted, their guardians or truſtees, and any two perſons appointed by his Majeſty, under his ſign manual; and in caſe of any difference concerning ſuch conſideration, the ſaid perſons appointed by his Majeſty are, 30 clear days before any general or quarter ſeſſions of the peace for the counties or diviſions where ſuch grounds lie, to give to the occupiers of ſuch ſeveral grounds, or cauſe to be left at their laſt places of abode, a notice in writing deſcribing the ground and purporting that the rent or conſideration will be ſettled by a jury at the ſaid ſeſſions; and the juſtices at their ſaid ſeſſions upon proof that ſuch notices have been given ſhall charge the jury which ſhall attend at the ſaid ſeſſions, or ſome other jury of 12 men (to be then and there impanelled and returned by the ſheriff without fee) and cauſe to be ſworn to aſſeſs the value of the ground compriſed in the ſaid notices, and the rent or conſideration to be given for the ſame, to which jury the ſaid perſons appointed by his Majeſty, and the parties intereſted in ſuch ground, ſhall have their lawful challenges; and the ſaid jury after evidence on oath ſhall by their verdict aſſeſs the rent or conſideration to be given for ſuch ground to the owners, according to their reſpective intereſts; which verdict and judgment of the juſtices thereupon, ſhall finally bind all parties; and after ſuch verdict and judgement, his Majeſty ſhall hold ſuch ground for all ſuch time he ſhall judge neceſſary for the purpoſes aforeſaid, paying for the ſame ſuch rent or other conſideration as ſhall be agreed upon or aſſeſſed as aforeſaid.

XVI. *Sect.* 7. The officers authorized to put in execution ſuch orders as aforeſaid, ſhall compel all perſons obliged to perform quarentine, and all goods compriſed within any ſuch orders, to repair or be conveyed to ſome of the ſaid houſes or lazarets, or to ſuch other places as ſhall be provided for the reception of ſuch perſons, or for the opening and airing of ſuch goods.

XVII. *Sect.* 8. If any perſon obliged to perform quarentine, ſhall wilfully refuſe or neglect to repair, within convenient time after notice by the proper officer, to the place appointed, or having been placed ſhall eſcape or attempt to eſcape out of the ſame before quarentine performed, it ſhall be lawful for the watchmen, and other perſons appointed to ſee quarentine performed, by force to compel ſuch perſon to repair or return into ſuch place; and every perſon ſo refuſing or neglecting to repair to ſuch place appointed, and every perſon eſcaping, ſhall be adjudged guilty of felony, and ſhall ſuffer death.

XVIII. *Sect.* 9. All perſons liable to perform quarentine ſhall be ſubject during the ſaid quarentine to orders from the officers authorized to ſee it performed: and the ſaid officers are to enforce obedience to their orders, and may call in others to their aſſiſtance.

XIX. *Sect.* 10. If any perſon not infected nor liable to perform quarentine, enter any lazaret or place appointed as aforeſaid, whilſt any perſon infected or under quarentine ſhall be therein, and ſhall return or attempt to return from thence, unleſs in ſuch caſes, and by ſuch licence, as ſhall be directed by ſuch order as aforeſaid, it ſhall be lawful for the watchmen to compel ſuch perſon to repair into ſuch lazaret, there to continue and perform quarentine: And in caſe ſuch perſon eſcape out of ſuch lazaret, before he ſhall have performed the ſame, he ſhall be adjudged guilty of felony, and ſhall ſuffer death.

XX. *Sect.* 11. If any officer of the cuſtoms, or other perſon to whom it ſhall appertain to execute any order concerning quarentine, be guilty of any wilful breach or neglect of duty, he ſhall forfeit his office in the cuſtoms, or any other office, and ſhall become incapable to hold the ſame, or to take a new grant thereof, and forfeit 100*l.* one moiety to the king, and the other moiety to him who ſhall ſue, by action of debt, *&c.* in any of the courts aforeſaid; and if any ſuch perſon embezzle or willingly damage any goods performing quarentine under his direction, he ſhall be liable to pay treble damages and coſts of ſuit.

XXI. *Sect.* 12. Whereas goods liable to retain infection may be brought from places infected into other countries, and from thence imported in ſhips not obliged to perform quarentine, all ſuch goods as ſhall be particularly ſpecified in any order concerning quarentine, which ſhall be imported into his Majeſty's dominions from any foreign country in any ſhip, ſhall be ſubject to ſuch order.

XXII. *Sect.* 13. After quarentine performed by any ſhip or perſons, and upon proof by the oaths of the maſter and two of the perſons belonging to ſuch ſhip, or by the oaths of two witneſſes, before the cuſtomer, comptroller, or collector of the port where ſuch quarentine ſhall be performed, or the next port, or before any of their deputies, or any juſtice of peace near ſuch port, or where ſuch quarentine ſhall have been performed, within any of the iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark* or *Man*, before any two jurats or magiſtrates of any of the ſaid iſles, that ſuch ſhip and perſons have duly performed quarentine, and that the ſhip and all ſuch perſons are free from infection, and after producing a certificate to that purpoſe, ſigned by the chief officer who ſuperintended the quarentine, then ſuch cuſtomer, comptroller, or collector, or any of their deputies, together with the ſaid juſtice of peace, or ſuch jurats, are to give a certificate thereof; and thereupon ſuch ſhip and perſons ſhall be liable to no further reſtraint upon the ſame account.

XXIII. *Sect.* 14. The officer before whom ſuch oath ſhall be made, and by whom ſuch certificate ſhall be given, ſhall for ſuch oath and certificate take no fee.

XXIV. *Sect.* 15. All goods liable to quarentine ſhall be opened and aired in ſuch place for ſuch time and in ſuch manner as ſhall be directed by his Majeſty by ſuch order: And after ſuch orders ſhall have been duly complied with, and a certificate thereof given by the chief officer appointed to ſuperintend the quarentine, and proof made thereof by the oaths of two witneſſes, before the cuſtomer, comptroller, or collector of the port, next to ſuch place where ſuch goods ſhall have been opened and aired, or any of their deputies, or any juſtice of peace near the ſame, or before any two jurats of the ſaid iſles, upon certificate and return of ſuch proof by ſuch cuſtomer, *&c.* to the commiſſioners of the cuſtoms of *Great Britain* or *Ireland*, or to the governor or commander in chief upon the place in the iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man* reſpectively, ſuch goods ſhall be diſcharged from any reſtraint upon the ſame account, by order of the ſaid commiſſioners, or two of them, or of the ſaid governor; for every of which oath, certificate, and order, no fee ſhall be taken.

XXV. *Sect.* 16. If any officer or other perſon demand or take any fee for any ſuch oath, order, or certificate made in purſuance of this act, he ſhall forfeit 100*l.* one moiety to his Majeſty, and the other moiety to him who ſhall ſue by action of debt, *&c.* in any of the courts aforeſaid reſpectively, in which caſe treble coſts ſhall be allowed to either party as in other caſes.

XXVI. *Sect.* 17. If any officer or other perſon appointed to ſee quarentine duly performed, or any watchman upon any houſe, lazaret, ſhip, or other place, for performance of quarentine, ſhall deſert from their duty when employed on the ſaid buſi-

neſs

neſs of quarentine, or ſhall willingly permit any perſon, ſhip or goods, to depart or be conveyed out of ſuch houſe, *&c.* unleſs in ſuch caſes, and by ſuch licence, as ſhall be directed by ſome order, or if any perſon directed to give a certificate of a ſhip's having performed her quarentine or airing, ſhall knowingly give a falſe certificate; every ſuch officer and perſon ſo offending ſhall ſuffer death.

XXVII. *Sect.* 18. If any perſon ſhall knowingly or wilfully conceal from the officers of quarentine, or ſhall clandeſtinely convey any letters or goods, from any ſhip under quarentine, or liable to perform quarentine, or from any place where goods ſhall be performing quarentine, every perſon ſo offending ſhall ſuffer death.

XXVIII. *Sect.* 19. When any part of *Great Britain*, *Ireland*, or the iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark* or *Man*, or *France*, *Spain*, *Portugal*, or the *Low Countries*, ſhall be infected with the plague, it ſhall be lawful for his Majeſty by proclamation to prohibit all ſmall boats and veſſels under the burden of twenty tons, from ſailing or paſſing out of any port of *Great Britain* or *Ireland*, or the iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, and *Man*, or any of them, until ſecurity be firſt given by the maſter to the ſatisfaction of the principal officer of the cuſtoms, or the chief magiſtrate of the place, by bond taken to the King with ſufficient ſureties, in the penalty of 300*l.* with condition that if ſuch boat or veſſel ſhall not go to any place mentioned in ſuch proclamation, and if the maſter mariners and paſſengers in ſuch veſſel, ſhall during the time aforeſaid not go on board any other veſſel at ſea, and if ſuch maſter ſhall not permit any perſon to come on board ſuch veſſel at ſea from any other veſſel, and ſhall not during the time aforeſaid receive any goods out of any other veſſel, then ſuch bond ſhall be void: for the making of which bond no fee ſhall be taken. And in caſe any veſſel for which ſuch ſecurity ſhall be required by ſuch proclamation ſhall ſet ſail or paſs out of any port aforeſaid before ſuch ſecurity be given, every ſuch veſſel together with her tackle and furniture ſhall be forfeited to the King, and may be ſeized and recovered in the court of *Exchequer* at *Weſtminſter*, *Edinburgh*, or *Dublin*, or in the proper courts of the iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark* or *Man* reſpectively, to the uſe of his Majeſty: and the maſter and every mariner ſailing in any ſuch veſſel, being convicted upon their appearance or default, upon the oath of one witneſs by a juſtice of peace where ſuch offender ſhall be found, ſhall forfeit 20*l.* one moiety to the informer, the other moiety to the poor of the pariſh where ſuch offender ſhall be found; to be levied by diſtreſs and ſale of the offender's goods, by warrant of ſuch juſtice, and for want of ſufficient diſtreſs, every ſuch offender ſhall by ſuch juſtice be committed to priſon for three months: and in caſe any ſuch offender be found in any of the iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, and be convicted of ſuch offence in the proper court, he ſhall forfeit 20*l.* one moiety to the informer, and the other moiety to the poor of the pariſh, and in default of paying ſuch penalty, ſhall ſuffer impriſonment for three months.

XXIX. *Sect.* 20. As often as his Majeſty ſhall make any order concerning quarentine, and notify the ſame by proclamation, or cauſe the ſame to be publiſhed in the *London Gazette*, ſuch proclamation or order in council ſhall be publicly read on the next *Sunday* on which divine ſervice ſhall be performed after the receipt of the ſame, and the firſt *Sunday* in every month afterwards (during the time ſuch order ſhall continue in force) immediately after the prayers, in all pariſh churches, and other places ſet apart for divine worſhip, within ſuch places as ſhall be ſpecified in ſuch proclamation or orders.

XXX. *Sect.* 21. If any action be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue: and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts.

XXXI. *Sect.* 22. Provided, that no attainder of felony by virtue of this act ſhall work any corruption of blood, or forfeiture of any goods, lands or hereditaments.

XXXII. *Sect.* 23. This act ſhall commence from the 1st of *March* 1754.

XXXIII. **Stat.** 29 *Geo.* 2. *cap.* 8. *ſect.* 1. The clauſe in the 26 *Geo.* 2. *cap.* 6. *ſect.* 2. whereby the ſtationing of ſhips infected with the plague, to the northward of *Cape Finiſterre*, is confined to the harbour of *New Grimſby*, ſhall be repealed.

XXXIV. *Sect.*

XXXIV. *Sect.* 2. If the plague appear on board any ſhip being to the northward of *Cape Finiſterre*, the maſter or perſon having charge of ſuch ſhip ſhall immediately proceed to the harbour of *Saint Helen's Pool*, between the uninhabited iſlands of *Saint Helen's*, *Tean*, and *North Withell*, or to ſuch other place as his Majeſty with the advice of his privy council ſhall appoint, and ſhall there remain in like manner, and ſubject to the like regulations and penalties for diſobedience, as are provided by the ſaid act; and the cuſtom-houſe officers ſhall ſend intelligence to one of the principal ſecretaries of ſtate, of all ſhips infected with the plague coming into the ſaid harbour of *Saint Helen's Pool*, or ſuch other place as ſhall be appointed, as they are by the ſaid act required to do.

Plantations.

The 3 Geo. 2. cap. 28. *is continued by* 33 Geo. 2. cap. 16. *to* 29 Sept. 1767. *and the end of the next ſeſſion of parliament.*

The 6 Geo. 2. cap. 13. *is continued, and made perpetual with alterations by* 4 Geo. 3. cap. 15. ſect. 4 & 5.

LXXXIV. **Stat.** 12 *Geo.* 2. *cap.* 30. *ſect.* 1. The acts of 12 *Car.* 2. *cap.* 18. 15 *Car.* 2. *cap.* 7. & 25 *Car.* 2. *cap.* 7. [Par I. III. XII.] ſo far as they extend to ſugar of the produce of his Majeſty's plantations in *America*, are hereby confirmed; except only as to ſuch ſugars as by this act ſhall be permitted to be exported from the ſaid ſugar colonies under ſuch regulations as are herein after appointed.

LXXXV. *Sect.* 2. It ſhall be lawful notwithſtanding the acts aforeſaid or any other act, for any of his Majeſty's ſubjects in any ſhip built in *Great Britain* and navigated according to law and belonging to ſubjects of which the major part reſide in *Great Britain* and the reſidue either in *Great Britain* or ſome of the ſugar colonies in *America*, that ſhall clear outwards in any port of *Great Britain* for any of the ſaid colonies, to load in the ſaid colonies any ſugars of the produce and manufacture of the ſaid colonies, and to carry the ſame to any foreign part of *Europe*; provided a licence be firſt taken out under the hands of the commiſſioners of the cuſtoms at *London* or *Edinburgh*, or three of them, ſubject to the regulations and conditions after mentioned, *viz.* that notice be firſt given in writing by the maſter or one of the owners of ſuch ſhip to the cuſtomer or collector, and comptroller of the port in *Great Britain* where ſuch ſhip ſhall be, of the intention that ſuch ſhip ſhall proceed to the ſaid ſugar colonies, in order to lade ſugars to be carried to ſome other part of *Europe* than *Great Britain*; and that ſuch maſter or owner enter into bond to the uſe of his Majeſty, with one or more ſecurities, in 1000 *l.* if the ſhip be of leſs burden than 100 tons, and in the ſum of 2000 *l.* if ſhe be of that or greater burden, with condition that in caſe a licence be granted to ſuch ſhip to carry ſugars from the ſaid colonies to foreign parts, that ſuch ſhip ſhall proceed from *Great Britain* to the ſaid colonies, and ſhall deliver the ſaid licence to the collector, comptroller, and naval officer there, before he takes any goods on board, and that no tobacco, molaſſes, ginger, cotton, wool, indigo, fuſtick, or other dying-wood, tar, pitch, turpentine, hemp, maſts-yards, bowſprits, copper ore, beaver ſkins, or other furs, of the production of any *Britiſh* plantation in *America*, ſhall be taken on board, unleſs it be for neceſſary proviſions in the voyage, and that ſuch ſhip before ſhe proceeds to any foreign port ſhall touch at ſome port in *Great Britain*, and that the maſter ſhall deliver to the cuſtomer, or collector, and comptroller of ſuch port, a true manifeſt atteſted upon oath (or if a *Quaker* by affirmation) of the whole lading, mentioning the marks, numbers, package, and contents; and ſhall alſo bring back and produce the licence for ſuch ſhip to carry ſuch ſugars to foreign parts, with a certificate indorſed or affixed thereto, containing an account of the marks, numbers, package, contents, and ſorts of all the ſugars laden on board, and that when ſuch ſhip hath diſcharged her lading in ſome foreign part (the danger of the ſeas and enemies excepted) ſhe ſhall return to *Great Britain*, within eight months after ſhe ſhall have delivered her lading in any foreign part, and before ſhe returns to any of the ſaid plantations, and that in caſe ſuch ſhip take on board any goods before her return to *Great Britain*, all ſuch goods remaining on board on her arrival in *Great Britain* ſhall be entered and landed in *Great Britain*, as all other ſhips importing goods are obliged to do by the laws of the cuſtoms; or otherwiſe ſuch bond ſhall be forfeited.

LXXXVI. *Sect.* 3. Upon ſuch bond being entred into and other requiſites before mentioned complied with, a licence ſhall be granted giving liberty for that voyage only to carry ſugars of the production of his Majeſty's ſugar colonies to any foreign part; provided that no ſhip have licence to carry ſugar to any foreign parts, unleſs it firſt appear by oath (or affirmation) of the maſter that the property thereof is in his Majeſty's ſubjects of which the major part reſide in *Great Britain* and the reſidue either in *Great Britain* or in ſome of the ſaid colonies, ſuch oath or affirmation to be in the form after mentioned, *viz.*

A. B. { maketh oath / ſolemnly declares and affirms } *that the* { ſhip / veſſel } *called the whereof he this* { deponent / affirmant } *is maſter, and hath the charge and command for this preſent voyage to being* [deſcribe the built] { ſhip / veſſel } *of the burthen of tons was built at in the year and that the ſaid* { ſhip / veſſel } *is wholly owned by the* { perſon / perſons } *whoſe* { name / names } *and uſual* { place / places } *of abode* { is / are } *undermentioned and ſubſcribed by this deponent* [or *affirmant*] *that ſuch* { owner / owners } { is / are } *his Majeſty's* Britiſh { ſubject / ſubjects } *and that no foreigner directly or indirectly hath any ſhare, part, or intereſt in the ſaid* { ſhip / veſſel } *to the beſt of this* { deponent's / affirmant's } *knowledge or belief; and that he this* { deponent / affirmant } *and three fourths of the mariners navigating the ſaid* { ſhip / veſſel } *are his Majeſty's* Britiſh *ſubjects.*

LXXXVII. *Sect.* 4. In caſe any ſhip ſo licenſed take on board any ſugars, or other goods, being the property of foreigners, and laden on their account, to be carried to foreign parts; all ſuch ſugars or other goods ſhall be forfeited.

LXXXVIII. *Sect.* 5. Before any ſugar be put on board any ſhip at the ſaid colonies, the maſter ſhall deliver to the collector of the port the ſaid licence ſigned by the commiſſioners of the cuſtoms, and a certificate of ſuch bond having been given in *Great Britain*; and ſhall declare in writing to the collector, whether he intends to load any ſugar purſuant to ſuch licence, otherwiſe ſuch licence ſhall be of no force; but if it be declared that ſugars are intended to be carried to foreign parts purſuant to ſuch licence, then to aſcertain the quantity and quality of the ſugars to be exported, and to prevent the exportation from the ſaid colonies of any goods before enumerated, the merchant intending to export any ſugars or other goods not enumerated, ſhall before the ſame are ſhipt, make an entry of ſuch ſugars or other goods with the collector and comptroller of the cuſtoms and the naval officer, expreſſing the name of the ſhip and maſter, and where ſhe lies; and the places where they are to be laden, or firſt water-born in order to be laden; which ſhall be ſuch only where an officer ſhall attend the lading, or as ſhall be mentioned in a warrant from the collector and comptroller for that purpoſe, whereon ſhall be indorſed by the exporter the marks, numbers, contents, and ſorts of ſuch ſugars; and the warrant ſo endorſed ſhall be delivered to the ſearcher, and ſuch officer ſhall examine the goods before they are put on board; and if the number of caſks appear to be greater than is indorſed on the warrants, or if there be found any other ſugar but ſuch as ſhall be ſo endorſed, or any of the goods before enumerated, either put on board or brought to be ſhipp'd on board, before ſuch entry or taking out ſuch warrant endorſing and delivering of the ſame, all ſuch ſugar and other goods ſo ſhipped or brought to be ſhipped ſhall be forfeited; as alſo the hoy boat or other carriage employed in ſhipping or attempting to ſhip any enumerated goods other than ſugars, together with the ſhip on which ſuch other enumerated goods ſhall be laden: and the owner of ſuch ſugar or other goods ſhall alſo forfeit double the value thereof; to be recovered in the court of vice admiralty or any other court of record in any of the ſaid plantations; one third to the uſe of his Majeſty, one third to the governor of the colony, and the other third to the proſecutor. And before ſuch ſhip ſhall depart with the ſugar laden, the maſter ſhall receive the ſaid licence from the collector and comptroller and naval officer, with a certificate endorſed or affixed thereto under their ſeals of office, containing an account of the marks, numbers, contents, and ſorts of each caſk of ſugar ſo ſhipt; which endorſement ſhall be ſigned by the ſaid collector and comptroller and naval officer. And the collector and other officers aforeſaid, ſhall make two copies of ſuch licence, or certificates. For all which

entries,

entries, cocquets, endorſements, and certificates, or copies, no more ſhall be taken than the legal fees. And the maſter ſhall before he receives the ſaid licence atteſt the ſaid copies under his hand, which are to be left with the collector and comptroller and naval officer. And the ſaid collector and comptroller ſhall as ſoon as conveniently they can, tranſmit one of the ſaid copies to the commiſſioners of the cuſtoms in *Great Britain* by whom the licence was granted when the ſhip ſet ſail from *Great Britain*. And the ſaid maſter ſhall proceed to *Great Britain* without putting into any other port, unleſs forced by ſtreſs of weather; proof whereof ſhall be made on oath, to the ſatisfaction of the commiſſioners of the cuſtoms in *Great Britain*. And on the return of ſuch ſhip to *Great Britain* the maſter ſhall deliver the ſaid licence to the ſaid commiſſioners of the cuſtoms or to the collector and comptroller of the port at which ſhe ſhall arrive, with the certificate annexed; and alſo ſhall deliver an exact manifeſt, expreſſing the marks and numbers, with the tale and ſorts of caſks of all his lading, atteſted upon oath (or if a *Quaker* by affirmation) before the collector and comptroller of ſuch port where he ſhall arrive; and ſhall make an entry of the ſugars on board; which entry the cuſtomer, or collector and comptroller of ſuch port are to paſs, without demanding any duties for ſuch ſugar; mentioning in their accounts that ſuch entries were paſſed by virtue of this act; and ſhall alſo declare on oath (or if a *Quaker* on his affirmation) to what foreign port he is bound: then ſuch maſter ſhall be at liberty to proceed to any foreign port without being obliged to land or pay duty, taking with him the ſaid licence and a certificate under the ſeals of office from the ſaid cuſtomer or collector and comptroller, teſtifying that the ſaid ſhip had touched at ſuch port and complied with the directions of this act. But in caſe any ſuch veſſel proceed to any foreign part without having firſt touched at ſome port in *Great Britain*, and having complied with the directions of this act, and having the ſame certified as aforeſaid; or in caſe any goods of the produce of any of the *American* colonies enumerated as aforeſaid beſides ſugars, be found on board, or carried by any ſuch ſhip to any foreign parts; then the licence ſhall be void; and ſuch ſhip and the maſter and all others concerned ſhall be liable to the ſame penalties as if this act had not been made.

LXXXIX. *Sect.* 6. If the commiſſioners of the cuſtoms in *Great Britain*, or the cuſtomer, or collector, and comptroller of the port where ſuch ſhip ſhall touch, ſhall upon information on oath have cauſe to ſuſpect that ſome enumerated goods other than ſugars, are on board ſuch ſhip, it ſhall be lawful for any officer of the cuſtoms, or any perſon employed by them, to enter and remain on board ſuch ſhip, and to unlade the ſame, to examine ſuch ſhip and all the goods on board, and to detain her for that purpoſe; and to open and examine any cabbins, lockers, falſe bulk-head, or any concealments, or to open any cheſt or package, and to ſeize all goods not mentioned in the manifeſt delivered by the maſter: and all ſuch goods ſhall be forfeited. Provided that in caſe no goods be found but what are mentioned in the manifeſt, then the officers ſhall reload and repack the goods and repair any damage done by landing or unpacking, without being liable to any other coſts or damages for demurrage, or on any other account: but if any other goods are found, except the proviſions of the ſhip for the voyage, then the maſter ſhall be at the charge of reloading, and the officers concerned ſhall not be at any expence or be liable to any coſts or damages.

XC. *Sect.* 7. If the owners of ſuch ſhip or their factor ſhall on the arrival of ſuch ſhip in *Great Britain*, be deſirous to enter and pay the duty, and land the goods, they ſhall have liberty ſo to do; the maſter of the ſhip firſt making a report of his whole lading with the proper officer of the cuſtoms, as required by law.

XCI. *Sect.* 8. If the maſter of ſuch ſhip ſhall on his arrival in any of the ſaid colonies, have delivered to the collector, comptroller, and naval officer, the ſaid licence with a certificate of bond being given in *Great Britain*; and ſhall before he lades any goods declare in writing upon oath (or affirmation) before any two of them (which oath or affirmation they are to endorſe and atteſt on ſuch licence) that the ſugars he intends to load purſuant to ſuch licence, are to be carried to ſome port to the ſouthward of *Cape Finiſterre*; then the ſaid maſter may proceed thither directly, taking with him ſuch licence and oath endorſed thereon, with an account of the marks, numbers, package, contents and ſorts of ſugars laden, likewiſe endorſed or contained in a certificate

ficate annexed thereto, and may there land the ſame without firſt touching in *Great Britain:* but the maſter of ſuch ſhip ſhall within eight months after landing the ſaid ſugars and before ſuch ſhip go again to any of the plantations, return to ſome port of *Great Britain*, and deliver his ſaid licence to the commiſſioners of the cuſtoms, or the cuſtomer, or collector, and comptroller of ſuch port, with a certificate annexed as aforeſaid, together with a certificate from the conſul or two known *Britiſh* merchants reſiding at the ports where ſuch ſugars were landed, teſtifying the landing thereof; and the maſter ſhall likewiſe make oath (or affirmation) before the cuſtomer, or collector, and comptroller, to the truth of ſuch certificate; and that none of the goods before enumerated except ſugar were taken on board in the colonies, or landed at the port mentioned in the certificate; and he ſhall likewiſe make an entry with ſuch cuſtomer, *&c.* of the quantity and ſorts of all the ſugars landed at any port to the ſouthward of *Cape Finiſterre:* which entry the cuſtomer, *&c.* ſhall paſs without demanding any duties, mentioning in their accounts, that ſuch entries were paſſed by virtue of this act. And in caſe the maſter neglect to make ſuch entry, he ſhall forfeit 100 *l.* one moiety to the uſe of his Majeſty, and the other moiety to ſuch perſon as will ſue for the ſame.

XCII. *Sect.* 9. Upon the return to *Great Britain* of any ſhip, which ſhall purſuant to this act carry ſugars from his Majeſty's ſugar colonies to any foreign parts, the maſter ſhall in either caſe before mentioned deliver to the commiſſioners of the cuſtoms, or the cuſtomer, or collector, and comptroller of the port in *Great Britain* where ſuch ſhip ſhall arrive, the ſaid licence, together with a certificate ſigned and ſealed by the conſul or two known *Britiſh* merchants at the port where ſuch ſugar was landed, certifying the landing thereof, with the number of caſks, and the mark, number, and contents of each, with the name of the ſhip and maſter; and that they believe that no tobacco or other goods before enumerated except ſugar have been landed; and upon the ſeveral things required by this act being complied with, the bond given before granting ſuch licence ſhall be diſcharged and delivered up; otherwiſe ſuch bond ſhall be forfeited.

XCIII. *Sect.* 10. In caſe any ſhip ſhall after the unloading ſuch ſugars, take on board any goods before her return to *Great Britain*, all ſuch goods remaining on board at her arrival in *Great Britain* ſhall be entred and landed before her departure thence; and ſhall be ſubject to ſuch regulations as the like goods imported in any other ſhip are ſubject unto by this or any other law of the cuſtoms.

XCIV. *Sect.* 11. This act ſhall not extend to excuſe any ſhip trading to the ſaid ſugar colonies, being regiſtred purſuant to 7 *&* 8 *Will.* 3. *cap.* 22. Par. XXX.

XCV. *Sect.* 12. No maſter or owner of any ſhip carrying ſugars as aforeſaid, ſhall pay or advance to any ſeaman, during the time he ſhall be beyond the ſeas, above one moiety of the whole wages, which ſhall be due from the time of his departure from *Great Britain*, until ſuch ſhip ſhall return to *Great Britain*; and if any ſuch maſter or owner ſhall pay or advance any wages to any ſeaman above the ſaid moiety, ſuch maſter or owner ſhall forfeit double the money ſo paid, to be recovered in the high court of admiralty by any informer.

XCVI. *Sect.* 13. All penalties and forfeitures incurred by this act (except where it is otherwiſe hereby provided) ſhall be proſecuted in any court of record at *Weſtminſter*, or the court of exchequer in *Scotland*; one moiety for the uſe of his Majeſty, and the other moiety to him who will ſue for the ſame, wherein no eſſoign, *&c.* ſhall be allowed.

XCVII. *Sect.* 14. If any perſon be ſued for any thing done in purſuance of this act, ſuch perſon may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall have treble coſts.

XCVIII. *Sect.* 15. If any perſon grant any falſe certificate, or counterfeit or alter any licence, oath, or certificate made purſuant to this act, or knowingly publiſh or make uſe thereof, ſuch perſon ſhall forfeit 500 *l.* to be recovered and diſpoſed of in the manner directed by this act; and ſuch licence, oath, or certificate ſo counterfeited or altered ſhall be of no effect.

XCIX. *Sect.* 16. Nothing in this act ſhall give liberty to carry any ſugars from any of the ſugar colonies to *Ireland.*

C. *Sect.* 17. This act ſhall be in force five years, from the 29th of *September* 1739, and to the end of the next ſeſſion of parliament.

Continued by 4 Geo. 3. cap. 12. ſect. 4. *to* 29 Sept. 1771. *and to the end of the next ſeſſion of parliament.*

CI. **Stat.** 15 *Geo.* 2. *cap.* 31. *ſect.* 1. No ſhip required by 7 & 8 *Will.* 3. *cap.* 22. Par. XXX. or by the 5th article of the union **Scotland**, to be regiſtered, and carrying any goods to or from any of his Majeſty's plantations in *America*, or to or from one plantation to another, ſhall be permitted to trade within the intent of the ſaid acts, until the maſter ſhall upon oath (or if a *Quaker* upon affirmation) before the governor or collector of the cuſtoms of every of the plantations where the ſame ſhall arrive, give an account of the name and burthen thereof, and of the place from whence ſhe came, according to the form following, *viz.*

A. B. *maketh oath (or if a* Quaker *ſolemnly affirms) that the ſhip or veſſel called the whereof he this deponent (or affirmant) is maſter, or hath the charge and command during this preſent voyage, being of the burthen of tons, came laſt from and that ſhe is, as he verily believes, the ſame ſhip or veſſel deſcribed, meant, and intended in and by the certificate now produced by him; and that the ſame does now, as he believes, belong wholly to his Majeſty's* Britiſh *ſubjects, and that no foreigner has directly or indirectly any ſhare, property, or intereſt therein, to his knowledge or belief.*

In caſe any ſhip ſhall load or unload any goods in any of his Majeſty's plantations in *America*, before ſuch proof be made, every ſuch ſhip ſhall be forfeited, and may be proſecuted, recovered, and divided, as if ſhe had not been regiſtered in purſuance of the ſaid act of 7 & 8 *Will.* 3. *cap.* 22.

CII. *Sect.* 2. If any ſhip duly qualified to trade to from and in the ſaid plantations, be in any of the ſaid plantations, and the certificate of the regiſter thereof be loſt or miſlaid, the maſter may make oath (or being a *Quaker* affirmation) before the governor or collector of the cuſtoms, in the port where the ſhip ſhall be, in the following form,

A. B. *being maſter (or having the charge) of the ſhip or veſſel called the does ſwear (or ſolemnly affirm) that the ſaid ſhip or veſſel has been, as he verily believes, regiſtered according to law, to qualify her to trade to from and in his Majeſty's plantations in* America, *and that he had a certificate thereof granted at the port of but that the ſame is loſt or miſlaid, and that he cannot find the ſame, and does not know where the ſame is, or what is become thereof, and that the ſame hath not been, nor ſhall be, with his privity or knowledge, ſold or diſpoſed of to any perſon or perſons whatſoever, and that he this deponent (or affirmant) and three fourths of the mariners navigating the ſaid ſhip or veſſel are his Majeſty's* Britiſh *ſubjects, and the ſaid ſhip or veſſel does now, as he believes, belong wholly to his Majeſty's* Britiſh *ſubjects, and that no foreigner has to his knowledge or belief any ſhare, property, or intereſt therein.*

And the ſaid maſter ſhall give ſecurity in the penalty of 500*l.* if the ſhip be of the burthen of 100 tons or under, and ſo in proportion for every ſhip of a greater burthen, to the collector of the port where the ſaid ſhip ſhall be, in his Majeſty's name, and to his Majeſty's uſe, with condition that the ſaid ſhip was duly regiſtered, and that the certificate of the ſaid regiſter if found ſhall be delivered up to the commiſſioners of the cuſtoms to be cancelled, and no illegal uſe has been or ſhall be made thereof, and that the ſame has not been or ſhall be fraudulently diſpoſed of, and that the ſaid ſhip does wholly belong to his Majeſty's *Britiſh* ſubjects; and upon making ſuch oath and giving ſuch bond, the governor and collector of his Majeſty's cuſtoms ſhall without fee give the maſter a certificate under their hands and ſeals, of his having given ſuch bond, and made ſuch oath, and thereupon the ſhip ſhall have liberty to trade for that voyage only, in the ſame manner as if the original certificate had been produced, and the firſt-mentioned oath or affirmation had been taken: and the officers taking

the ſaid oath and bond, ſhall tranſmit an account thereof to the commiſſioners of the cuſtoms.

CIII. *Sect.* 3. If the certificate of the regiſter of any ſhip be loſt, and the maſter and one or more of the owners make proof to the ſatisfaction of the commiſſioners of the cuſtoms, in caſe any of the owners reſide in *Great Britain* or *Ireland*, *Guernſey* or *Jerſey*; or of the governor or collector of the cuſtoms, reſiding in any of the plantations, in caſe ſhe was regiſtered in ſuch plantation, and none of the owners reſide in *Great Britain* or *Ireland*, *Guernſey* or *Jerſey*; upon oath (or if a *Quaker* upon affirmation) of the loſs of ſuch certificate, and likewiſe of the name, burthen, built, property, and other particulars required by the 7 & 8 *Will.* 3. *cap.* 22. in the ſame manner as upon original regiſters; and ſhall likewiſe give ſecurity, in the penalty of 500*l.* if the ſhip be of the burthen of 100 tons, and ſo in proportion for every ſhip of a greater burthen, to the collector of the port to which ſuch ſhip belongs; and that the original certificate hath not been nor ſhall be fraudulently diſpoſed of or uſed contrary to law, and that the ſame when found ſhall be delivered up to the commiſſioners of the cuſtoms to be cancelled; in ſuch caſe the commiſſioners of the cuſtoms, and the governor and collector of the cuſtoms reſiding at the plantations reſpectively, ſhall permit the ſhip to be regiſtered *de novo*; and the proper officers ſhall deliver a certificate thereof to the owner regiſtering the ſame, as is directed by the 7 & 8 *Will.* 3. *cap.* 22. and therein mention the name by which the ſhip was formerly regiſtered; and that ſuch certificate of a new regiſter is granted in purſuance of this act, inſtead of a former certificate which appears to be loſt. And ſuch new regiſter and certificate ſhall have the ſame effect as if the ſame were an original regiſter and certificate, and a duplicate thereof ſhall be tranſmitted by the officers who grant the ſame to the commiſſioners of the cuſtoms.

CIV. *Sect.* 4. Plantation bonds taken or entered into in *Great Britain*, in purſuance of 12 *Car.* 2. *cap.* 18. *Par.* II. and of 22 *Car.* 2. *cap.* 26. *Par.* IX. or any other law ſince made, whereby the goods therein enumerated are to be brought to *Great Britain*, ſhall be with condition that within 18 months after the date (the danger of the ſeas excepted) a certificate ſhall be produced from the collector and comptroller of the port where ſuch goods ſhall be delivered, that they have been there landed and diſcharged; otherwiſe ſuch bonds ſhall be forfeited; and the penalty may be ſued for in the court of *Exchequer* in *England*, *Scotland*, or *Ireland* reſpectively: provided that this act ſhall not extend to bonds given for ſhips which lade rice at *Carolina* or *Georgia*, by virtue of a licence purſuant to 3 *Geo.* 2. *cap.* 28. Par. LVI. or for ſhips lading ſugars in any of the ſugar colonies by virtue of a licence purſuant to 12 *Geo.* 2. *cap.* 30. Par. LXXXV.

CV. **Stat.** 15 *Geo.* 2. *cap.* 33. *ſect.* 5. It ſhall be lawful for any ſubjects in any ſhip built in *Great Britain*, or belonging to any ſubjects reſiding in *Great Britain*, and navigated according to law, to load in any of his Majeſty's ſugar colonies in *America*, any ſugars of the growth and manufacture of the ſaid colonies, and to carry the ſame to any foreign parts of *Europe*, ſubject to the regulations of 12 *Geo.* 2. *cap.* 30. Par. LXXXV.

CVI. **Stat.** 24 *Geo.* 2. *cap.* 51. *ſect.* 1. The duties now payable on pott aſhes or pearl aſhes made in and imported from his Majeſty's colonies in *America* into *Great Britain* ſhall ceaſe.

CVII. *Sect.* 2. A due entry ſhall be made of all pott aſhes and pearl aſhes made in and imported from the ſaid colonies into *Great Britain*, at the cuſtom-houſe at the time of importation in the ſame manner (expreſſing the package, marks, and numbers and quantities) as was uſed before this act; and the ſame ſhall be landed in the preſence of and examined by the proper officer of the cuſtoms; and ſhall be imported in ſhips that may lawfully trade to the plantations, manned as by law is required: and on failure of the ſaid conditions ſuch pott aſhes and pearl aſhes ſhall be liable to the duties as if this act had never been made.

CVIII. *Sect.* 3. To intitle the importer of pott aſhes or pearl aſhes to the benefit of this act, every perſon who ſhall load any pott aſhes or pearl aſhes on board any ſhip in any of the *Britiſh* colonies in *America*, ſhall before the clearing out of the ſhip make

make proof on oath, before the collector and comptroller of the cuſtoms, and naval officer, at the port where ſuch pott aſhes or pearl aſhes ſhall be put on board, or any two of them, that the pott aſhes or pearl aſhes which he hath ſhipped is *bona fide* of the product and manufacture of the *Britiſh* colonies in *America*, expreſſing the quantity, and the pariſh or place in ſuch plantation where the ſame was made, and by whom (which oath is to be adminiſtered without fee) and the maſter or perſon taking charge of the ſhip on board which ſuch pott aſhes or pearl aſhes ſhall be loaded, ſhall bring with him a certificate from ſuch collector and comptroller of the cuſtoms, and naval officer, or two of them, under their hands and ſeals of office (which they are to grant without fee) expreſſing the marks and number of caſks or packages, alſo the weight and tale of the pott aſhes and pearl aſhes ſo ſhipped, with the names and places of abode of the exporters from the ſaid colonies, and the name and place of abode of ſuch perſon who ſwore the goods to have been the product of the ſaid colonies, which certificate the maſter, *&c.* of ſuch ſhip ſhall on his arrival in this kingdom deliver to the collector, comptroller, or other officer of the cuſtoms at the port where he ſhall arrive, at the entry of the ſaid pott aſhes or pearl aſhes; and ſhall make oath before the ſaid collector, comptroller, or chief officer of the cuſtoms (who are to adminiſter the ſame without fee) that the ſaid caſks, and parcels, and goods, contained in ſuch certificate, are the ſame as were taken on board in the ſaid colonies. And if any pott aſhes or pearl aſhes of the product of the *Britiſh* colonies in *America*, be imported without ſuch certificate and oath by the maſter, *&c.* of the ſhip, all ſuch pott aſhes and pearl aſhes ſhall be liable to the duties as if this act had never been made.

CIX. *Sect.* 4. If any perſon cauſe to be made an entry of any foreign pott aſhes or pearl aſhes, under the name of pott aſhes or pearl aſhes of the product of the *Britiſh* colonies in *America*, or cauſe to be mixed any foreign pott aſhes or pearl aſhes with pott aſhes or pearl aſhes of the product of the *Britiſh* colonies in *America*, to evade the duties on foreign pott aſhes and pearl aſhes, he ſhall forfeit 50 *l.* for every ſuch offence, and all ſuch foreign pott aſhes and pearl aſhes; and in caſe of any mixture, the quantity mixed both of foreign and *Britiſh* plantation product, or the value, with the packages, ſhall be forfeited; and may be ſeized, or the value ſued for, by any officer of the cuſtoms.

CX. *Sect.* 5. If any collector or comptroller of the cuſtoms and naval officer falſely make any ſuch certificate, he ſhall for every ſuch offence forfeit 200 *l.* and alſo forfeit his office, and be incapable of ſerving his Majeſty in any office of truſt or profit; or if any perſon falſely make any oath required by this act, every ſuch offender ſhall incur the puniſhment inflicted by law for wilful and corrupt perjury; and if any perſon knowingly counterfeit any ſuch certificate, or publiſh the ſame knowing it to be counterfeit, he ſhall incur the puniſhment inflicted by law for forgery.

CXI. *Sect.* 6. The penalties by this act inflicted ſhall be recovered by bill, *&c.* in any court of record at *Weſtminſter*, or in the court of exchequer in *Scotland*, or in any of the courts of admiralty in the plantations in *America*; wherein no eſſoin, *&c.* ſhall be allowed.

CXII. *Sect.* 7. All penalties by this act impoſed, ſhall if in *Great Britain* be applied one moiety to the uſe of his Majeſty, and the other moiety to ſuch perſon as ſhall ſeize or ſue for the ſame; and all ſuch penalties incurred in the plantations in *America* ſhall be applied one third to the uſe of his Majeſty, one third to the uſe of the governor of the plantation where the forfeiture is incurred, and the remaining third to ſuch perſon who ſhall ſeize or ſue for the ſame.

CXIII. *Sect.* 8. If any doubt ariſe whether the ſaid pott aſhes or pearl aſhes, or any part thereof ſo to be imported, is of the product of the *Britiſh* colonies in *America*, or of foreign product, the *onus probandi* ſhall lie on the owner.

CXIV. *Sect.* 9. If any action be commenced for any thing done in purſuance of this act, every ſuch action ſhall be commenced within ſix months after the fact; and the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts.

CXV. Stat.

CXV. Stat. 24 *Geo.* 2. *cap.* 53. *ſect.* 1. It ſhall not be lawful for the governor, council, or aſſembly, or the lieutenant governor, or perſon acting as commander in chief, within any of the colonies of *Rhode Iſland*, and *Providence* plantations, *Connecticut*, the *Maſſachuſets Bay*, and *New Hampſhire*, to make or give his aſſent to the making any act or vote within the ſaid colonies, whereby any paper bills, or bills of credit ſhall be created or iſſued; or whereby the time limited, or the proviſion made, for the calling in or diſcharging of ſuch bills as already ſubſiſt and paſs in payment within any of the ſaid colonies ſhall be protracted; or whereby any of them ſhall be depreciated in value; or be ordered or allowed to be re-iſſued or obtain a further currency; and all ſuch acts, orders, reſolutions, or votes, within any of the ſaid colonies ſhall be void.

CXVI. *Sect.* 2. All ſuch bills as are now ſubſiſting and paſſing in payments within any of the ſaid colonies ſhall be diſcharged according to the acts or reſolutions for iſſuing the ſame, unleſs where the ſame have been altered by any ſubſequent act of aſſembly; and in that caſe they ſhall be diſcharged according to the tenor of the ſaid act of aſſembly; and that no ſuch bills ſhall after ſuch periods ſo limited be current in any of the ſaid colonies.

CXVII. *Sect.* 3. Nothing in this act ſhall reſtrain any governor, council, or aſſembly, within any of the ſaid colonies, from making any act of aſſembly in any of the ſaid colonies for the iſſuing ſuch bills for ſecuring ſuch ſums as ſhall be requiſite for the current ſervice of the year; ſo as by ſuch act of aſſembly proviſion be made to ſecure the diſcharging the ſame within two years from the dates of the reſpective acts whereby ſuch bills were iſſued.

CXVIII. *Sect.* 4. Nothing herein ſhall reſtrain any governor, council, or aſſembly, within any of the ſaid colonies from making any act of aſſembly in any of the ſaid colonies for iſſuing ſuch bills for ſecuring ſuch ſums as ſhall be neceſſary upon ſudden and extraordinary emergencies in caſe of war or invaſion; ſo as in every ſuch act of aſſembly care be taken to aſcertain the real value of all ſuch principal ſums for which the ſame ſhall be iſſued and the intereſt thereon; and to eſtabliſh a fund for the diſcharging within as ſhort time as may be, not exceeding five years, all the ſaid bills, by payment of all money for which the ſame ſhall be iſſued, with the intereſt.

CXIX. *Sect.* 5. All ſuch bills which have been iſſued on loans whereby private perſons and their eſtates are bound to the diſcharge of the ſums borrowed, within any of the ſaid colonies, ſhall be diſcharged and ſunk according to the acts or reſolutions for iſſuing the ſame.

CXX. *Sect.* 6. All perſons who have borrowed any money on loans, for the diſcharge whereof they and their eſtates ſtand bound, ſhall be compelled by all legal means to diſcharge the ſums by them borrowed according to the terms of ſuch loans, except as is herein before excepted; and in caſe any loſs happen by failure of the ſecurity taken on ſuch loans, the ſame ſhall be made good by a tax to be equally and rateably aſſeſſed and levied within the ſaid colonies reſpectively where ſuch loſs ſhall happen.

CXXI. *Sect.* 7. No paper currency or bills of credit iſſued in any of the colonies purſuant to the proviſions herein before made, ſhall be a legal tender in payment of any private contracts, debts, or demands within the ſaid colonies.

CXXII. *Sect.* 8. Nothing herein ſhall make any of the bills now ſubſiſting in any of the ſaid colonies a legal tender.

CXXIII. *Sect.* 9. If any governor or commander in chief in any of his Majeſty's ſaid colonies, whether commiſſioned by his Majeſty, or elected by the people, ſhall give his aſſent to any act of aſſembly, order, reſolution, or vote, for the iſſuing any paper bills, or bills of credit; or for prolonging the time limited for calling in any ſuch bills as are now ſubſiſting and paſſing in payment; or for re-iſſuing or depreciating the ſame contrary to the meaning of this act; ſuch act, order, reſolution, or vote ſhall be *ipſo facto* void, and ſuch governor or commander in chief ſhall be immediately diſmiſſed from his government, and for ever after incapable of any public office or place of truſt.

CXXIV. Stat. 29 *Geo.* 2. *cap.* 5. *ſect.* 1. Such foreign proteſtants who ſhall receive commiſſions from his Majeſty to be officers in the regiment to be raiſed for the

the defence of the colonies in *America*, or to be engineers in *America* (which commiſſions it ſhall be lawful for his Majeſty to grant) and ſhall in ſome of his Majeſty's colonies in *America* take and ſubſcribe the oaths, and make and ſubſcribe the declaration appointed by 1 *Geo.* 1. *cap.* 13. and ſhall at the time of taking the ſaid oaths and declaration produce a certificate as directed by the ſaid act of their having received the ſacrament in ſome proteſtant congregation within *Great Britain*, or within ſome of the ſaid colonies in *America*, within ſix months before that time, ſhall be enabled to ſerve and receive pay as officers in the ſaid regiment or as engineers in *America*.

CXXV. *Sect.* 2. The number of ſuch officers in the ſaid regiment ſhall not in the whole exceed 50; nor the number of engineers in the whole exceed 20.

CXXVI. *Sect.* 3 The colonel of the ſaid regiment ſhall be a natural-born ſubject, and not any perſon naturalized.

CXXVII. *Sect.* 4. No ſuch foreign officer ſhall be enabled to ſerve as an officer or engineer in any place except *America* only; but every ſuch foreign officer when reduced ſhall be capable of receiving half-pay.

CXXVIII. **Stat.** 29 *Geo.* 2. *cap.* 35. *ſect.* 1. It ſhall be lawful for any of the officers in any of his Majeſty's forces ſerving in *America*, to inliſt as a ſoldier any indented ſervant in any of the *Britiſh* colonies on the continent of *America* who ſhall be willing to inliſt.

CXXIX. *Sect.* 2. If the owner or maſter of ſuch indented ſervant object to the ſervant's inliſting within ſix months after ſuch inliſtment, the officer inliſting him or the commanding officer of the regiment or company in which he ſhall ſerve at the time ſuch objection is made, ſhall either give him up to his maſter on receiving back the inliſting-money, or pay ſuch ſum as any two juſtices of peace in the colony where the maſter reſides, ſhall on application of either of the ſaid officers adjudge to be a reaſonable recompence to the maſter, in proportion to the original purchaſe-money given for the ſaid indented ſervant and to the time of ſervice yet remaining to be performed.

CXXX. *Sect.* 3. No perſon who ſhall liſt as a volunteer in any of his Majeſty's ſaid forces, ſhall be liable to be taken out of his Majeſty's ſervice, by any proceſs or execution other than for ſome criminal matter; unleſs before the taking out ſuch proceſs (not being for a criminal matter) the plaintiff or ſome perſon in his behalf make affidavit before a judge of the court out of which ſuch proceſs iſſues, or before ſome perſon authorized to take affidavits in ſuch court, that to his knowledge the original ſum owing to the plaintiff from the defendant, or cauſe of action on which ſuch proceſs ſhall iſſue, or the original debt for which ſuch proceſs or execution iſſued, amounts to 10 *l.* ſterling, over and above all coſts; a memorandum of which oath ſhall be marked on the back of ſuch proceſs; for which memorandum or oath no fee ſhall be taken: and if any perſon ſo inliſting as a ſoldier be arreſted contrary to this act, it ſhall be lawful for any judge of ſuch court, or any juſtice of peace of the colony in which ſuch arreſt ſhall be made, upon complaint by the party arreſted, or by any of his ſuperior officers, to examine into the ſame by the oath of the parties or otherwiſe, and by warrant to diſcharge ſuch ſoldier without fee, upon proof that ſuch ſoldier ſo arreſted was legally inliſted, and arreſted contrary to this act; and to award to the party complaining ſuch coſts, as ſuch judge or juſtice ſhall think reaſonable: for the recovery whereof ſuch party ſhall have the like remedy as the plaintiff might have had for his coſts.

CXXXI. *Sect.* 4. It ſhall be lawful for any plaintiff upon notice given in writing of the cauſe of action to ſuch perſon ſo inliſted, or left at his laſt place of reſidence before his inliſting, to file a common appearance in any action for any debt, ſo as to intitle ſuch plaintiff to proceed therein to judgement and outlawry, and to have execution other than againſt the body of him ſo inliſted.

CXXXII. *Sect.* 5. If any commiſſion or non-commiſſion officer or ſoldier, be accuſed of any capital crime, or of any violence or offence againſt the perſon or property of any of his Majeſty's ſubjects, which is puniſhable by the known laws of the colony where ſuch crime ſhall be committed; the commanding officer of the regiment, company, or party,

party, in his Majeſty's ſervice in *America*, ſhall uſe his endeavours to deliver over ſuch accuſed perſon to the civil magiſtrate, and ſhall be aſſiſting to the officers of juſtice in the apprehending ſuch offender: And if any ſuch commanding officer wilfully neglect upon application, to deliver over any accuſed perſon to the civil magiſtrate, or to be aſſiſting to the officers of juſtice in the apprehending ſuch offender, ſuch officer being convicted before two juſtices of peace for the colony where the fact ſhall be committed, by the oath of two witneſſes, ſhall be *ipſo facto* caſhiered, and diſabled to hold any civil or military employment in his Majeſty's ſervice; provided the ſaid conviction be affirmed at the next quarter ſeſſions of the peace, or gaol delivery, for the ſaid colony, and a certificate thereof be tranſmitted to the judge advocate, who is to certify the ſame to the next court-martial.

CXXXIII. *Sect.* 6. It ſhall be lawful for the conſtable, headborough, tythingman, or any other civil officer, of the town or place where any perſon ſuſpected to be a deſerter ſhall be found, to apprehend him, and to cauſe him to be brought before any juſtice of peace living near; and if by his confeſſion, or the teſtimony of one witneſs upon oath, it ſhall appear that ſuch perſon is a liſted ſoldier, and ought to be with the regiment, company, or battalion, to which he belongs, ſuch juſtice ſhall cauſe him to be conveyed to the gaol of the place where he is apprehended, and tranſmit an account thereof, either to the commanding officer of the ſaid regiment, *&c.* or to the governor or commander in chief of the colony; and the keeper of ſuch gaol ſhall receive the full ſubſiſtence of ſuch deſerter, during the time he ſhall continue in his cuſtody, for the maintenance of ſuch deſerter; but ſhall not be intitled to any fee.

CXXXIV. *Sect.* 7. The commanding officer of the regiment to which any ſuch deſerter belongs, ſhall pay to ſuch perſon who ſhall apprehend any deſerter 20*s.* ſterling money for every deſerter ſo apprehended.

CXXXV. *Sect.* 8. If any perſon harbour, conceal, or aſſiſt, any deſerter, knowing him to be ſuch, every perſon ſo offending ſhall forfeit for every ſuch offence 5*l.* ſterling; and if any perſon knowingly detain, buy, exchange, or receive any arms, clothes, caps, or other furniture belonging to his Majeſty, from any ſoldier or deſerter, or cauſe the colour of ſuch clothes to be changed, every perſon ſo offending ſhall forfeit for every ſuch offence 5*l.* ſterling, upon conviction by the oath of one witneſs before any juſtice of the peace of the colony where the offence ſhall be committed; which penalties ſhall be levied by diſtreſs and ſale of the goods of ſuch offender, by warrant under the hand of ſuch juſtice; and ſhall be applied one moiety to the informer, and the other moiety to the commanding officer of the troop or company to which ſuch deſerter or ſoldier belongs; and in caſe any ſuch offender convicted of harbouring or aſſiſting a deſerter, or of having knowingly received any arms, clothes, or furniture belonging to his Majeſty, or of having cauſed the colour of ſuch clothes to be changed, have not ſufficient goods to anſwer the penalties, or within four days after conviction pay not the ſame, ſuch juſtice ſhall by warrant either commit ſuch offender to the common gaol of the place where the offence is committed, for any time not exceeding three months, or cauſe him to be publicly whipt.

CXXXVI. *Sect.* 9. If any officer break open, or forcibly enter any dwelling-houſe or out-houſe to ſearch for deſerters, without a warrant from a juſtice of peace (which warrant ſuch juſtice is to grant to a commiſſion officer only) ſuch officer ſhall for every ſuch offence forfeit 20*l.* ſterling; to be recovered by any perſon who ſhall ſue for the ſame in any court of record in any colony on the continent of *America*.

CXXXVII. *Sect.* 10. When any perſon ſhall be inliſted as a ſoldier in his Majeſty's land forces on the continent of *America*, he ſhall within four days, but not ſooner than 24 hours after ſuch inliſting, be carried before the next juſtice of peace for the county or place, or the chief magiſtrate of any city or town of the colony where ſuch perſon ſhall be ſo inliſted, not being an officer of the army; and before ſuch juſtice or chief magiſtrate he ſhall be at liberty to declare his diſſent to ſuch inliſting, and upon ſuch declaration and returning the inliſting-money and paying 20*s.* ſterling for charges, ſuch perſon ſo inliſted ſhall be diſcharged in the preſence of ſuch juſtice, *&c.* but if ſuch perſon neglect within 24 hours to return and pay

pay ſuch money, he ſhall be deemed to be inliſted, as if he had given his aſſent before the juſtice, *&c.* or if ſuch perſon declare his having voluntarily inliſted, ſuch juſtice, *&c* ſhall certify under his hand that ſuch perſon is duly inliſted, ſetting forth the place of the birth and calling of him (if known) and that the ſecond and ſixth ſections of the articles of war againſt mutiny and deſertion were read to him, and that he had taken the oath mentioned in the ſaid articles of war; and if any ſuch perſon ſo to be certified as duly inliſted refuſe to take the oath of fidelity before the ſaid juſtice, *&c.* it ſhall be lawful for ſuch officer from whom he has received ſuch money as aforeſaid, to confine ſuch perſon until he take the oath; and every military officer who ſhall act contrary thereto, or offend herein, ſhall be forthwith caſhiered and be diſabled to hold any military employment in his Majeſty's ſervice; and for every ſuch offence ſhall forfeit 50 *l.* to be recovered as any other penalty by this act.

CXXXVIII. *Sect.* 12. If any perſon ſhall receive the inliſting-money from any officer (knowing it to be ſuch) and abſcond, or refuſe to go before ſuch juſtice, *&c.* to declare his aſſent or diſſent; ſuch perſon ſhall be deemed to be inliſted, and ſhall be proceeded againſt, as if he had taken the oath directed by the ſaid articles of war.

CXXXIX. *Sect.* 13. This act ſhall have continuance for three years, from the 25th of *March* 1756, and to the end of the then next ſeſſion of parliament.

CXL. **Stat.** 30 *Geo.* 2. *cap.* 9. *ſect.* 1. No perſon during the continuance of the war with *France*, ſhall directly or indirectly export out of any of the *Britiſh* colonies in *America*, or lay on board or cauſe to be laid on board any ſhip in order to be exported out of the ſaid colonies, any ſort of corn, grain, meal, malt, flour, bread, biſcuit, ſtarch, beef, pork, bacon, or other ſort of victual, whether the ſaid commodities ſhall or ſhall not be the produce or manufacture of the reſpective colonies from whence the ſame are deſigned to be exported, under the penalties after-mentioned, *viz.* all the ſaid commodities ſo exported or ſhipped to be exported, ſhall be forfeited, and every offender ſhall forfeit 20 *s.* of *Britiſh* money for every buſhel of corn, grain, meal, malt, or flour; and 12 *d.* of the like money, for every pound weight of bread, biſcuit, ſtarch, beef, pork, bacon, or other victual, and ſo in proportion for any greater or leſs quantity, ſo exported or ſhipped to be exported, and the ſhip or veſſel upon which any of the ſaid commodities ſhall be exported or ſhipped to be exported, and all her guns and tackle ſhall be forfeited; and one moiety of all ſuch penalties ſhall be to the King, and the other to him that will ſue for the ſame; which penalties ſhall be recovered in the high court of admiralty, or any other chief court of civil or criminal juriſdiction, in ſuch reſpective colonies, and the maſter and mariners of any ſuch ſhip, *&c.* wherein any ſuch offence ſhall be committed, knowing ſuch offence and willingly aſſiſting thereunto, and being convicted in any ſuch courts ſhall be impriſoned for three months.

CXLI. *Sect.* 2. It ſhall be lawful for any perſon being an officer of the cuſtoms, or authorized by the commiſſioners of the treaſury to ſeize all ſuch of the ſaid commodities not allowed to be exported by this act, or by proclamation, or order of council in purſuance of this act, as he ſhall find on board any ſhip, *&c.* at ſea or in port, or in any navigable river, to the intent to be exported out of any of the ſaid colonies; and the ſhip, *&c.* in which the ſame ſhall be found; and to bring the ſaid goods to the King's ware-houſes, belonging to the cuſtom-houſe next to the place where ſuch ſeizures ſhall be made, or to ſome other ſafe place (where there are no ſuch warehouſes) to be divided according to the directions of this act.

CXLII. *Sect.* 3. This act ſhall not prohibit the exportation of ſuch or ſo much of the ſaid commodities as ſhall be neceſſary in any ſhip or veſſel in their reſpective voyages, for the ſupport of the commanders, mariners, or others, in the ſame veſſels only, or for the victualling any of his Majeſty's ſhips of war, or other veſſels in his Majeſty's ſervice, or for his Majeſty's forces, forts, or garriſons.

CXLIII. *Sect.* 4 This act ſhall not prohibit the exportation of any of the ſaid commodities from the ſaid colonies to *Great Britain* or *Ireland*, or from any of the ſaid colonies to any other of the ſaid colonies, or from any port in one of the ſaid colonies to any other port in ſuch colony, ſo as the exporter before the ſhipping the ſame declare

clare the place for which the ſaid commodities are deſigned, and take out a cocquet expreſſing the particulars of ſuch commodities, and become bound with two ſureties of known reſidence in the ſaid colonies, and of ability to anſwer the penalty in the bonds, in treble the value of ſuch commodities, to the chief officers of the cuſtoms, or to the naval officer, or ſome principal officer belonging to the port where the ſame may be ſhipped, or to ſuch perſon as ſhall be appointed by the commiſſioners of the treaſury (who are to take ſuch ſecurity in his Majeſty's name and to his uſe) that ſuch commodities ſhall not be landed or ſold in any parts, other than the kingdom, iſland, plantation, colony, port, or place reſpectively, for which the ſame ſhall be ſo declared; and a certificate under the hand and ſeal of the collector, comptroller, or other chief officer of the cuſtoms, or if no ſuch, of the naval officer or ſome principal officer of the place where the ſame ſhall be landed, or ſuch perſon as ſhall be appointed by the commiſſioners of the treaſury, ſhall within the times aftermentioned (the danger of the ſeas excepted) be returned to the officer or perſon to whom ſuch ſecurity ſhall have been given, that the ſaid commodities, expreſſing the particulars thereof, have been landed at the place for which the ſame have been ſo declared; and for the taking of ſuch ſecurity, and giving ſuch cocquets and certificates, no fee ſhall be demanded; and if any ſuch officer make any falſe certificate of any ſuch commodities being ſo landed, he ſhall forfeit 200*l.* and loſe his employment, and be incapable of ſerving his Majeſty in any office relating to the cuſtoms; and if any perſon counterfeit, raſe, or falſify any cocquet or certificate, or knowingly publiſh any ſuch counterfeit, *&c.* cocquet or certificate, he ſhall forfeit 200*l.* and ſuch cocquet or certificate ſhall be void. Which penalties for offences in *America*, ſhall be recovered in the ſame courts, and in the ſame manner, as the other penalties inflicted by this act; and for offences in *England*, by action of debt, *&c.* in any court of record at *Weſtminſter*, or before the juſtices of aſſize, or at the great ſeſſions in *Wales*, or by information at any general quarter-ſeſſions of the peace for the county or place where the offence ſhall be committed; and in ſuch ſuit no eſſoin, *&c.* ſhall be allowed; and for offences in *Scotland*, by action, or ſummary bill or information in the courts of ſeſſions or exchequer in *Scotland*; and for offences in *Ireland*, in the courts of record in *Dublin*, or at the general quarter ſeſſions of the peace for the county or place where the offence ſhall be committed; and for offences in any other of the dominions belonging to the crown of *Great Britain* in *Europe*, in the high court of admiralty, or any other chief court of civil or criminal juriſdiction: and ſuch penalties ſhall be divided in equal moieties between his Majeſty and the informer: and upon all actions and informations brought or entered in the ſaid colonies upon this act, the offences may be alledged to have been committed in any colony or precinct within the ſaid plantations, at the pleaſure of the proſecutor or informer.

CXLIV. *Sect.* 5. In caſe the officer or perſon to whom any certificate ſhall be returned, ſhall ſuſpect that ſuch certificate is falſe, the bonds ſhall not be cancelled or the ſecurity vacated, until he ſhall have been informed from the perſon in whoſe name ſuch certificate appears to be granted, that the contents of ſuch certificate are true.

CXLV. *Sect.* 6. Nothing in this act ſhall prohibit the conveying any of the commodities before mentioned, by land, or acroſs rivers, by common ferries, or up or down the ſaid rivers, or acroſs harbours where clearances have not been uſually taken, from any of the ſaid colonies to any other colonies, or to any part of the ſame colony; or to ſubject the perſons conveying any of the ſaid commodities in manner aforeſaid, to any of the regulations before preſcribed, with reſpect to ſuch commodities exported by ſea, from one colony to another.

CXLVI. *Sect.* 7. The ſaid bonds if not proſecuted within three years ſhall be void.

CXLVII. *Sect.* 8. Nothing in this act ſhall extend to any of the commodities aforeſaid, which ſhall be cleared out of any cuſtom-houſe in any of the colonies before the 25th of *March* 1757.

CXLVIII. *Sect.* 9. In caſe his Majeſty, during the continuance of this act, ſhall judge it expedient to permit the exportation of corn or any of the commodities aforeſaid from the ſaid colonies, it ſhall be lawful for his Majeſty, by proclamation

to

to be iſſued with the advice of his privy council, or by order in council, from time to time to permit all his ſubjects (but not any particular perſons) to export out of all or any of the ſaid colonies in any ſhips navigated according to law, all or any of the commodities aforeſaid to all or any other places, and upon or without giving ſecurity and returning certificates.

CXLIX. *Sect.* 10. All certificates of the landing and diſcharging of the ſaid commodities to be exported, ſhall be returned within the times following, *viz.* where the bonds are taken in reſpect of any of the ſaid commodities to be exported to *Great Britain* or *Ireland*, within 18 calendar months after the date of the bonds; and in reſpect of the ſaid commodities to be exported from any of the ſaid colonies to any of the other colonies, or from any place in any one of the ſaid colonies to any other place in ſuch colony, within 12 calendar months from the date of ſuch bonds.

CL. *Sect.* 11. This act ſhall not prohibit the exportation of any rice from the ſaid colonies, directly to any part of *Europe* ſouthward of *Cape Finiſterre*.

CLI. *Sect.* 12. This act ſhall not extend to any fiſh or roots, which ſhall be exported or carried coaſtwiſe.

CLII. *Sect.* 16. If any action be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue; and if the plaintiff be non-ſuited, *&c.* the defendant ſhall recover treble coſts. *See* **Cuſtoms, Hats, Ships, Stores.**

Plays and games.

XXXVI. **Stat.** 18 *Geo.* 2. *cap.* 34. *ſect.* 1. No perſon ſhall keep any houſe or place for playing, or permit any perſons within any ſuch houſe or place to play at the game of roulet, otherwiſe roly-poly, or at any other prohibited game, with cards or dice under the penalties of 12 *Geo.* 2. *cap.* 28. **Lotteries.**

XXXVII. *Sect.* 2. If any perſon play at the ſaid game of roulet or roly-poly, or at any game with cards or dice prohibited by law, he ſhall incur the penalties and be liable to ſuch proſecution as is directed by 12 *Geo.* 2. *cap.* 28. **Lotteries.**

XXXVIII. *Sect.* 3. In caſe any bill be filed in any court of equity for any ſum of money won contrary to the meaning of 9 *Ann. cap.* 14. Par. XIX. it ſhall be lawful for ſuch court to decree thereupon, and to inforce ſuch decree in the ſame manner as in other cauſes.

XXXIX. *Sect.* 4. Perſons who have juriſdiction to hear informations upon the ſtatutes againſt gaming, upon any information exhibited before them for any offence committed againſt this act, or againſt the 12 *Geo.* 2. *cap.* 28. or 13 *Geo.* 2. *cap.* 19. **Lotteries**, may ſummon any perſons, other than the party accuſed, to give evidence: and in caſe ſuch perſon neglect to appear or refuſe to give evidence, he ſhall forfeit 50 *l.* to be levied by diſtreſs and ſale of goods by warrant of ſuch perſons iſſuing ſuch ſummons; and in caſe ſuch perſon have not ſufficient goods whereon to levy the ſaid 50 *l.* he ſhall be committed to the common gaol for the county or place where ſuch offence ſhall be committed for ſix months.

XL. *Sect.* 5. No perſon other than the plaintiff and defendant in the cauſe ſhall be incapacitated from being a witneſs, touching any offence againſt the laws for preventing gaming, by reaſon of having played, betted, or ſtaked at any prohibited game.

XLI. *Sect.* 6. Nothing in this act ſhall extend to prevent any perſon from playing at any game within any of the royal palaces, wherein his Majeſty ſhall then reſide.

XLII. *Sect.* 7. No privilege of parliament ſhall be allowed to any perſon againſt whom any proſecution ſhall be commenced for keeping any common gaming-houſe, or any place for playing at any prohibited game.

XLIII. *Sect.* 8. If any perſon win or loſe at play, or by betting, at one time the value of 10 *l.* or within 24 hours the value of 20 *l.* he ſhall be liable to be indicted for ſuch offence within ſix months, either before the juſtices of King's bench, aſſize, gaol delivery, or grand ſeſſions; and being convicted, ſhall be fined five times the value of the ſum ſo won or loſt; which fine (after ſuch charges as the court ſhall

allow to the proſecutors and evidence) ſhall go to the poor of the pariſh where ſuch offence is committed.

XLIV. *Sect.* 9. If any perſon ſo offending, diſcover any other perſon ſo offending, ſo that he be convicted, the perſon ſo diſcovering ſhall be diſcharged from all penalties, by reaſon of ſuch offence, if he hath not been before convicted, and ſhall be admitted an evidence.

XLV. *Sect.* 10. Nothing in this act ſhall repeal or invalidate 9 *Ann. cap.* 14. Par. XVII.

XLVI. Stat. 25 *Geo.* 2. *cap.* 36. *ſect.* 2. Any houſe, garden, or place, kept for public dancing, muſic, or other public entertainment of the like kind, in *London*, and *Weſtminſter*, or within 20 miles thereof, without a licence from the laſt preceding *Michaelmas* quarter ſeſſions of the peace, for the county, city, or diviſion, in which ſuch houſe or place is ſituate, under the hands and ſeals of four juſtices there aſſembled, ſhall be deemed a diſorderly houſe or place. And every ſuch licence ſhall be ſigned and ſealed by the ſaid juſtices in open court, and afterwards be publicly read by the clerk of the peace, with the names of the juſtices ſubſcribing the ſame: and no ſuch licence ſhall be granted at any adjourned ſeſſions; nor ſhall any fee be taken for any ſuch licence: and it ſhall be lawful for any conſtable, or other perſon authorized by warrant of a juſtice of peace of the county, diviſion, or liberty, where ſuch houſe or place is ſituate, to enter the ſame, and ſeize every perſon found therein, that they may be dealt with according to law. And every perſon keeping ſuch houſe or place without ſuch licence, ſhall forfeit 100 *l.* to ſuch perſon as will ſue for the ſame; and be otherwiſe puniſhable as in caſes of diſorderly houſes.

XLVII. *Sect.* 3. In order to give public notice what places are licenſed purſuant to this act, there ſhall be affixed in ſome notorious place over the entrance of every ſuch houſe or place kept for any of the ſaid purpoſes, and ſo licenſed, an inſcription in large capital letters, in the following words, *viz. Licenſed purſuant to act of parliament of the twenty fifth of King* George *the ſecond.* And no ſuch houſe or place although licenſed ſhall be open for any of the ſaid purpoſes, before five in the afternoon. And the affixing and keeping up ſuch inſcription, and the ſaid reſtriction in point of time, ſhall be inſerted in and made conditions of every ſuch licence: and in caſe of any breach of either of the ſaid conditions, ſuch licence ſhall be forfeited, and be revoked by the juſtices in their next general or quarter ſeſſions, and ſhall not be renewed; nor ſhall any new licence be granted to the ſame perſon, or any other perſon on his behalf, or for his uſe, directly or indirectly, for keeping any ſuch houſe or other place for any of the purpoſes aforeſaid.

XLVIII. *Sect.* 4. Nothing in this act ſhall extend to the theatres royal in *Drury-lane* and *Covent-garden*, or the King's theatre in the *Haymarket*; nor to ſuch performances and public entertainments as ſhall be lawfully carried on by virtue of letters patent, or licence of the crown, or of the lord chamberlain of his Majeſty's houſhold.

XLIX. *Sect.* 13. Any perſon intitled to any of the forfeitures by this act impoſed, may ſue for the ſame by action of debt in any court of record at *Weſtminſter*; in which it ſhall be ſufficient to declare, that the defendant is indebted to the plaintiff in the ſum of being forfeited by an act, intitled, *An Act for the better preventing theſts and robberies and for regulating places of public entertainment and puniſhing perſons keeping diſorderly houſes:* and the plaintiff if he recover ſhall have his full coſts.

L. *Sect.* 14. No action ſhall be brought by virtue of this act, unleſs the ſame be commenced within ſix kalendar months after the offence committed.

LI. *Sect.* 15. This act ſhall continue for 3 years from the firſt day of this ſeſſion of parliament, and to the end of the then next ſeſſion.

Made perpetual by 28 Geo. 2. cap. 19. ſect. 1.

LII. Stat. 30 *Geo.* 2. *cap.* 24. *ſect.* 14. If any perſon licenſed to ſell any ſorts of liquors, or who ſhall ſell or ſuffer the ſame to be ſold, in his or her houſe, outhouſes, ground, or apartments thereto belonging, knowingly ſuffer any gaming with cards,

cards, dice, draughts, ſhuffle boards, miſſiſſippi or billiard tables, ſkittles, nine pins, or with any other implement of gaming, in his houſes, *&c.* by any journeymen, labourers, ſervants, or apprentices, and be convicted on confeſſion, or on the oath of one witneſs, before any juſtice of peace for the county or place wherein the offence is committed, within ſix days after ſuch offence, he ſhall for every ſuch offence forfeit 40 *s.* and for every like offence which he ſhall afterwards be convicted of he ſhall forfeit 10 *l.* all which ſums ſo forfeited ſhall be levied by diſtreſs and ſale of the offender's goods by warrant from the juſtice before whom convicted; which warrant every ſuch juſtice is required to grant; and three fourths of all ſums ſo forfeited ſhall be paid to the churchwardens of the pariſh in which the offence is committed, for the uſe of the poor; and the other fourth part to the perſon on whoſe information the party offending is convicted.

LIII. *Sect.* 15. If any journeyman, apprentice, or ſervant, game in any houſe, outhouſe, ground, or apartments thereto belonging, wherein any liquors are ſold, and complaint be made on oath before any juſtice of peace for the county, *&c.* where the offence is committed, ſuch juſtice ſhall iſſue his warrant to ſome conſtable, tythingman, headborough, or other peace officer of the pariſh or place wherein the offence is charged, or where the offender reſides, to apprehend and carry ſuch offender before ſome juſtice acting for the county, *&c.* where the offence is committed, or the offender reſides; and if the perſon apprehended be convicted by the oath of one witneſs or on confeſſion, he ſhall forfeit any ſum not exceeding 20 *s.* nor leſs than 5 *s.* as the juſtice ſhall think fit, every time he ſhall be convicted; and one fourth of the money ſo forfeited ſhall be paid to the perſon on whoſe information the party is convicted, and the other three fourths applied for the uſe of the poor of the pariſh wherein the offence is committed, and ſhall be paid to the overſeers of the poor of ſuch pariſh; and if the party convicted ſhall not forthwith pay the ſum ſo forfeited, ſuch juſtice ſhall by warrant commit ſuch offender to the houſe of correction or ſome other priſon of the county, *&c.* in which apprehended, to be kept to hard labour for any time not exceeding one month, or until he pay the money forfeited.

LIV. *Sect.* 16. Any juſtice of the peace of any county, *&c.* upon complaint upon oath of any offence againſt this act, within the ſame county, *&c.* ſhall iſſue his warrant for bringing before him, or ſome other juſtice, the perſon charged with ſuch offence; and the juſtice before whom ſuch perſon ſhall be brought, is to hear ſuch complaint, and proceed to judgement and conviction: and if it appear by oath of any perſon to the ſatisfaction of ſuch juſtice that any perſon within the juriſdiction of ſuch juſtice can give evidence on behalf of the proſecutor or of the perſon accuſed, and who will not voluntarily appear to give evidence; ſuch juſtice is to iſſue his ſummons to convene every ſuch perſon within his juriſdiction before him to be examined upon oath concerning the premiſſes; and if any perſon ſo ſummoned neglect to appear, and no juſt excuſe be offered, then (after proof by oath of ſuch ſummons having been duly ſerved) ſuch juſtice is to iſſue his warrant to bring ſuch witneſs within his juriſdiction before him, and on the appearance of ſuch witneſs ſuch juſtice is to examine upon oath ſuch witneſs; and if ſuch witneſs refuſe to be examined on oath without offering any juſt cauſe for ſuch refuſal, it ſhall be lawful for ſuch juſtice by warrant to commit every perſon ſo refuſing to the public priſon of the county, *&c.* for any time not exceeding three months; and if ſuch juſtice deem the evidence of ſuch witneſs material, ſuch juſtice may bind over ſuch witneſs, unleſs a feme covert, or one under the age of 21 years, by recognizance in a reaſonable penalty, to appear and give evidence at the next general or quarter ſeſſions of the peace, or ſeſſions of *oyer* and *terminer*.

LV. *Sect.* 17. No perſons charged on oath with any offences puniſhable by this act and which require bail, ſhall be admitted to bail before 24 hours notice be proved by oath to have been given in writing to the proſecutor, of the names and places of abode of the bail, unleſs the bail offered be known to the juſtice, and he approve of them; and every ſuch offender bound over to the general quarter ſeſſions of the peace or gaol delivery, to anſwer ſuch offences, ſhall be tried at the general quarter ſeſſions of the peace, or ſeſſions of *oyer* and *terminer* and gaol delivery held next after his being apprehended, unleſs the court think fit to put off the trial on juſt cauſe.

LVI. *Sect.*

LVI. *Sect.* 18. In all actions trials and other proceedings in purſuance of this act, any inhabitant of the pariſh or place, in which any offence is committed contrary to this act, ſhall be admitted to give evidence, and be deemed a competent witneſs, notwithſtanding his being an inhabitant.

LVII. *Sect.* 19. The juſtice before whom any perſon ſhall be convicted as preſcribed by this act, ſhall cauſe ſuch conviction to be drawn in the form or to the effect following, *viz.*

To wit, { BE *it remembered, that on this day of in the year of his Majeſty's reign,* A. B. *is convicted before his Majeſty's juſtices of the peace, for the ſaid county of* or *for the riding, or diviſion of the ſaid county of* or *for the city, liberty, or town, of* (as the caſe ſhall be) *for and the ſaid do adjudge him or her to pay and forfeit for the ſame, the ſum of*

Given under the day and Year aforeſaid.

And the ſaid juſtice ſhall cauſe the ſame to be written upon parchment, and tranſmitted to the next general quarter ſeſſion of the peace for the county, *&c.* wherein ſuch conviction was had, to be filed among the records of the ſaid ſeſſions; and in caſe any perſon ſo convicted appeal from the judgement of the juſtice to the general or quarter ſeſſions, the juſtices in ſeſſions are, upon receiving the conviction, to proceed to the hearing of the appeal according to the directions of this act.

LVIII. *Sect.* 20. No *certiorari* ſhall be granted to remove any indictment, conviction, or other proceedings in purſuance of this act.

LIX. *Sect.* 21. If any perſon convicted of any offences puniſhable by this act, think himſelf aggrieved by the judgement of the juſtice or juſtices before whom he is convicted, ſuch perſon may appeal to the next general or quarter ſeſſions of the peace for the county, *&c.* where ſuch judgement is given; and the execution of the judgement ſhall be ſuſpended, the perſon convicted entering into a recognizance at the time of conviction, with two ſureties in double the ſum adjudged to forfeit, upon condition to proſecute ſuch appeal with effect, and to abide the judgement of the juſtices in ſeſſions; which recognizance the juſtice before whom ſuch conviction ſhall be, is to take; and the juſtices in ſeſſions are finally to determine the appeal, and to award ſuch coſts as to them appear juſt to be paid by either party; and if upon hearing the appeal the judgement of the juſtice before whom the appellant was convicted, be affirmed, ſuch appellant ſhall immediately pay the ſum adjudged with ſuch coſts as the juſtices in ſeſſions award; or in default of making ſuch payments, ſhall ſuffer the pains and penalties by this act inflicted upon perſons who neglect to pay the reſpective forfeitures.

LX. *Sect.* 22. No perſon by this act puniſhed for any offence ſhall be puniſhed for the ſame offence under any other law; and if any action be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts.

LXI. *Sect.* 23. The 24 *Geo.* 2. *cap.* 44. **Juſtices of peace,** ſo far as it relates to the rendering the juſtices more ſafe in the execution of their office, ſhall extend to juſtices of peace acting in execution of this act; and no action ſhall be commenced againſt, or writ iſſued out, or copy of writ ſerved upon, any peace officer for any thing done in the execution of this act, until notice in writing be given to him, or left at his uſual place of abode, by the attorney for the party commencing ſuch action, or ſuing out or ſerving the copy of the ſaid writ; which notice ſhall contain the name and place of abode of the perſon who is to bring ſuch action, with the cauſe of action; and the name and place of abode of the ſaid attorney, ſhall be under-wrote or indorſed thereon. And any peace officer may at any time within 14 days after ſuch notice, tender amends for the injury complained of, to the party complaining, or to the attorney; and if the ſame is not accepted, the defendant may plead ſuch tender in bar, together with the general iſſue, or any other plea, with leave of the court; and if upon iſſue joined upon ſuch tender, the jury find the amends tendered to have been

been ſufficient, the jury ſhall find a verdict for the defendant; and in ſuch caſe, or if the plaintiff be nonſuited, *&c.* the defendant ſhall be intitled to his coſts; and if the jury find no ſuch tender was made, or that the amends tendered were not ſufficient, and alſo find againſt the defendant on ſuch other plea, the jury ſhall give a verdict for the plaintiff, and ſuch damages as they think proper, for which the plaintiff ſhall have judgement with coſts. *See* **Horſes** *and* **Lotteries.**

Poor.

LXXII. **Stat.** 17 *Geo.* 2. *cap.* 3. *ſect.* 1. The church-wardens and overſeers and other perſons authorized to take care of the poor in every pariſh or place, ſhall give public notice in the church, of every rate for the relief of the poor, allowed by the juſtices of peace, the next *Sunday* after the ſame is allowed; and no rate ſhall be valid, ſo as to collect the ſame, unleſs ſuch notice be given.

LXXIII. *Sect.* 2. The church-wardens and overſeers or other perſons authorized in every pariſh, *&c.* ſhall permit the inhabitants to inſpect ſuch rate, paying 1 *s.* for the ſame, and ſhall upon demand give copies of the ſame, or any part thereof, to any inhabitant, paying at the rate of 6 *d.* for every 24 names.

LXXIV. *Sect.* 3. If any church-warden or overſeer or other perſon authorized, ſhall not permit any inhabitant or pariſhioner to inſpect the ſaid rates, or neglect to give copies thereof, for every ſuch offence he ſhall forfeit to the party aggrieved 20 *l.* to be recovered by action of debt, *&c.* in any court of record, wherein no eſſoin, *&c.* ſhall be allowed.

LXXV. **Stat.** 17 *Geo.* 2. *cap.* 37. *ſect.* 1. Where there ſhall be any uncertainty in what pariſh or place waſte and barren lands, and lands formerly fen or marſh ground, or covered with water heretofore improved or drained, or hereafter ſo to be, lie, and ought to be rated, the occupiers of ſuch lands, or houſes built thereon, tenements, tythes ariſing therefrom, mines therein, and ſaleable underwoods therein growing, ſhall be rated to the relief of the poor, and to all other parochial rates within ſuch pariſh, *&c.* which lies neareſt ſuch lands, in like manner and ſubject to the ſame regulations as all other lands within ſuch pariſh, *&c.* and if any diſpute ariſe touching what pariſh, *&c.* ſuch lands ought to be in, it ſhall be lawful for the juſtices of peace for the county or diviſion where ſuch lands lie, at their next general quarter-ſeſſions, after notice given to the ſeveral pariſhes, *&c.* adjoining to ſuch lands, and to all other perſons intereſted therein, to determine the ſame on the appeal of any perſon intereſted, and at ſuch ſeſſions to cauſe ſuch lands or hereditaments to be allotted to, and equally aſſeſſed in, ſuch pariſh, *&c.* as they ſee juſt; and ſuch determination ſhall be final as to the pariſh, *&c.* in which ſuch lands, *&c.* ſhall be rated; and the ſaid lands, *&c.* ſhall be rated to the relief of the poor, and to all other parochial rates within ſuch pariſh, *&c.* only to which they are ſo allotted.

LXXVI. *Sect.* 2. Nothing in this act nor any allotment made by the juſtices at the general quarter-ſeſſions in purſuance thereof, ſhall affect or determine the boundaries of any pariſh, *&c.* to any purpoſe other than for the rating ſuch lands, *&c.* to the relief of the poor, and other parochial rates.

LXXVII. *Sect.* 3. Nothing in this act ſhall make void or alter 16 *&* 17 *Car.* 2. *cap.* 11. *ſect.* 17. *For draining* Deeping Fen.

LXXVIII. **Stat.** 17 *Geo.* 2. *cap.* 38. *ſect.* 1. The church-wardens and overſeers of the poor ſhall yearly within 14 days after other overſeers are nominated to ſucceed them, deliver in to ſuch ſucceeding overſeers an account entered in a book and ſigned, of all money by them received, or rated and not received; and alſo of all goods in their hands, or in the hands of any of the poor, in order to be wrought, and of all monies paid by them, and of all other things concerning their office; and ſhall alſo pay over all money and goods in their hands unto ſuch ſucceeding overſeers of the poor; which account ſhall be verified by oath (or by the affirmation of *Quakers*) before a juſtice of peace, who ſhall ſign and atteſt the caption of the ſame at the foot of the account without fee: and the ſaid book ſhall be preſerved by the church-wardens

and overſeers, or one of them, in every pariſh or place; and they ſhall permit any perſon there aſſeſſed or liable to be aſſeſſed to inſpect the ſame, paying 6 *d.* and ſhall give copies to ſuch perſon, paying at the rate of 6 *d.* for every 300 words.

LXXIX. *Sect.* 2. In caſe ſuch church-wardens and overſeers or any of them, neglect to make up ſuch account within the time herein limited, or neglect to pay over ſuch money or goods in their hands, it ſhall be lawful for any two juſtices of peace to commit him or them to the common gaol, until he ſhall have given ſuch account, or yielded up ſuch money and goods.

LXXX. *Sect.* 3. If any ſuch overſeer die or remove from the place for which he was appointed, or become inſolvent, before the expiration of his office, on oath thereof made it ſhall be lawful for two juſtices to appoint another overſeer who ſhall continue in office until new overſeers are appointed; and if any overſeer remove, he ſhall before removal deliver over to ſome church-warden, or other overſeer of the ſame place, his accounts verified as aforeſaid, with all rates, books, papers, money, and other things, concerning his office; under the like penalties as are inflicted on an overſeer refuſing to do the ſame, after the enpiration of his office; and if any overſeer die, his executors or adminiſtrators ſhall within 40 days deliver all things concerning his office to ſome church-warden, or other overſeer of the ſame place; and ſhall pay out of his aſſets all money remaining due, which he received by virtue of his office, before any other debts.

LXXXI. *Sect.* 4. In caſe any perſon find himſelf aggrieved by any rate for the relief of the poor, or have any objection to any perſon being put on, or left out of ſuch rate, or to the ſum charged on any perſon therein, or to ſuch account as aforeſaid, or find himſelf aggrieved by any neglect or act of the church-wardens and overſeers or of any juſtice of peace; it ſhall be lawful for ſuch perſon giving notice to the church-wardens or overſeers to appeal to the next general or quarter ſeſſions of the peace; and the juſtices there ſhall receive ſuch appeal, and finally determine the ſame; but if it appear to the ſaid juſtices, that reaſonable notice was not given, they ſhall adjourn the appeal to the next quarter-ſeſſions; and they may award to the party, for whom ſuch appeal ſhall be determined, reaſonable coſts, as in appeals concerning the ſettlement of poor perſons by 8 *Will.* 3. *cap.* 30. Par. LII.

LXXXII. *Sect.* 5. In all corporations or franchiſes who have not four juſtices of peace, it ſhall be lawful for any perſon where an appeal is given by this act, to appeal to the next general or quarter-ſeſſions of the peace for the county or diviſion wherein ſuch corporation or franchiſe is ſituate.

LXXXIII. *Sect.* 6. Upon all appeals from rates, the juſtices where they ſee cauſe for giving ſuch relief, ſhall amend the ſame, in ſuch manner only as ſhall be neceſſary for giving ſuch relief, without altering ſuch rates with reſpect to other perſons; but if upon an appeal from the whole rate it be neceſſary to ſet aſide the ſame, then the ſaid juſtices ſhall direct the church-wardens and overſeers to make a new equal rate.

LXXXIV. *Sect.* 7. The goods of any perſon aſſeſſed and refuſing to pay, may be levied by warrant of diſtreſs, not only in the place for which ſuch aſſeſſment was made, but in any other place within the ſame county or precinct; and if ſufficient diſtreſs cannot be found within the ſaid county, *&c.* on oath thereof before ſome juſtice of any other county, *&c.* (which oath ſhall be certified under the hand of ſuch juſtice on the warrant) ſuch goods may be levied in ſuch other county, *&c.* and if any perſon find himſelf aggrieved by ſuch diſtreſs, it ſhall be lawful for him to appeal to the next general or quarter-ſeſſions of the peace for the county, *&c.* where ſuch aſſeſſment was made, and the juſtices there ſhall finally determine the ſame.

LXXXV. *Sect.* 8. Where any diſtreſs ſhall be made for any money due for the relief of the poor, the diſtreſs itſelf ſhall not be deemed unlawful, nor the party making it a treſpaſſer, on account of any defect in the warrant for the appointment of ſuch overſeers, or in the rate or in the warrant of diſtreſs, nor ſhall the party diſtraining be deemed a treſpaſſer *ab initio*, on account of any irregularity afterwards done by him, but the party aggrieved by ſuch irregularity ſhall recover ſatisfaction for the ſpecial damage ſuſtained and no more, in an action of treſpaſs or on the caſe.

LXXXVI. *Sect.* 9. Provided that where the plaintiff recover, he ſhall be paid his coſts.

LXXXVII. *Sect.* 10. Provided that no plaintiff ſhall recover for any irregularity as aforeſaid, if tender of amends hath been made by the party diſtraining, before ſuch action brought.

LXXXVIII. *Sect.* 11. In caſe any perſon neglect to pay ſuch overſeers any ſum that he ſhall be legally rated to, the ſucceeding overſeers ſhall levy ſuch arrears, and reimburſe their predeceſſors all ſums expended for the uſe of the poor, and allowed to be due to them in their accounts.

LXXXIX. *Sect.* 12. Where any perſon ſhall come into or occupy any houſe, land, or hereditament, out of which any perſon aſſeſſed ſhall be removed, or which at the making ſuch rate was empty, every perſon ſo removing from, and every perſon ſo coming into the ſame, ſhall be liable to pay to ſuch rate in proportion to the time that ſuch perſon occupied the ſame, as if ſuch perſon ſo removing had not removed, or ſuch perſon ſo coming in had been originally rated, which proportion in caſe of diſpute ſhall be aſcertained by any two juſtices.

XC. *Sect.* 13. Copies of all rates made for the relief of the poor ſhall be entered in a book to be provided by the church-wardens and overſeers, who ſhall take care that ſuch copies ſhall be entered within 14 days after all appeals from ſuch rates are determined, and ſhall atteſt the ſame by putting their names thereto; and all ſuch books ſhall be preſerved by the church-wardens and overſeers or one of them, whereto all perſons aſſeſſed or liable to be aſſeſſed may reſort, and ſhall be delivered over from time to time to the ſucceeding church-wardens and overſeers as ſoon as they enter into their offices, and ſhall be produced by them at the general or quarter-ſeſſions, when any appeal is to be heard.

XCI. *Sect.* 14. If any church-warden, overſeer of the poor, or other officer of any pariſh, *&c.* neglect to obey the directions of this act, where no penalty is before provided by this act, or act contrary thereto, he ſhall for every ſuch offence, on oath thereof made within two calendar months after the offence before any two juſtices, forfeit for the uſe of the poor a ſum not exceeding 5*l.* nor leſs than 20*s.* to be levied by diſtreſs and ſale of the offenders goods, by warrant from ſuch juſtices; which ſum ſhall be paid to ſome church-warden or overſeer of ſuch pariſh or place.

XCII. *Sect.* 15. Overſeers of the poor within every townſhip or place where there are no church-wardens, ſhall execute all the acts and powers concerning the relief of and relating to the poor, as church-wardens and overſeers may by this or any former ſtatute, and ſhall ſuffer all ſuch penalties for neglect, as church-wardens and overſeers are liable to by this or any former ſtatute.

XCIII. **Stat.** 31 *Geo.* 2. *cap.* 11. *ſect.* 1. No perſon bound an apprentice by any deed, writing or contract, not indented, being firſt legally ſtamped, ſhall be liable to be removed from the town, pariſh, or place, where he or ſhe ſhall be ſo bound an apprentice, and reſident 40 days, by any order of removal granted by two juſtices, or by any order of the general or quarter-ſeſſions, on account of ſuch deed, *&c.* not being indented only.

XCIV. *Sect.* 2. Nothing herein ſhall make void any judgment, order or decree, made before the firſt of *May* 1758.

Poſt-office.

XLVI. **Stat.** 22 *Geo.* 2. *cap.* 25. *ſect.* 1. The 9 *Ann. cap.* 10. ſhall not reſtrain the letting out for hire chaiſes or calaſhes with horſes, or the furniſhing horſes for drawing chaiſes, *&c.* at any ſtage upon any poſt road; and it ſhall be lawful for all perſons to let out for hire, as well upon the poſt roads as elſewhere, chaiſes duly licenſed, with horſes to draw the ſame, and to furniſh or exchange horſes for drawing any ſuch chaiſes or calaſhes.

XLVII. *Sect.* 2. It ſhall be lawful for all perſons who lett out chaiſes, *&c.* with horſes for hire, to lett out horſes and furniture for horſing any perſon attending any perſon who ſhall travel in chaiſes, *&c.* and to change ſuch horſes and furniture.

XLVIII. *Sect.* 3. Nothing herein ſhall ſtay or defeat any judgement or verdict obtained by virtue of the 9 *Ann. cap.* 10. before the 25th of *March* 1749. or the proceedings thereon.

XLIX. Stat.

XLIX. **Stat.** 26 *Geo.* 2. *cap.* 13. *ſect.* 7. Every writ and proceeding at law incloſed in a letter, or written upon the ſame piece of paper with a letter, ſhall be paid for as a ſeveral and diſtinct letter, according to the rates mentioned in 9 *Ann. cap.* 10.

L. *Sect.* 8. For every ſingle letter or cover containing one or more papers with patterns of cloth, ſilk or ſtuff, or one or more ſamples or pieces of any other ſort of thing, if the ſame together do not weigh an ounce, the rates payable for a double letter ſhall be paid, and no more.

See regulations of the privilege of franking letters in 4 Geo. 3. cap. 24.

Priſons and pretended privileged places.

CXXIX. **Stat.** 16 *Geo.* 2. *cap.* 31. *ſect.* 1. If any perſon be aſſiſting to any priſoner to attempt to make his eſcape from any gaol, although no eſcape be made, in caſe ſuch priſoner was then attainted or convicted of treaſon or any felony, except petty larceny, or committed to or detained in gaol for treaſon or any felony, except petty larceny, expreſſed in the warrant of commitment or detainer, every perſon ſo offending and convicted ſhall be deemed guilty of felony, and be tranſported to one of his Majeſty's colonies in *America* for ſeven years; and in caſe ſuch priſoner then was convicted of, committed or detained for petty larceny, or any other crime, not being treaſon or felony expreſſed in the warrant of commitment or detainer, or then was in gaol upon any proceſs for debt, damages, coſts, or ſums of money, amounting to 100*l.* every perſon ſo offending and convicted, ſhall be deemed guilty of a miſdemeanor, for which he ſhall be liable to a fine and impriſonment.

CXXX. *Sect.* 2. If any perſon convey into any gaol any diſguiſe, or inſtrument, or arms proper to facilitate the eſcape of priſoners, and the ſame deliver, or cauſe to be delivered to any priſoner or for the uſe of any priſoner, without the privity of the keeper, or under-keeper of ſuch gaol; every ſuch perſon, although no eſcape or attempt to eſcape be made, ſhall be deemed to have delivered ſuch diſguiſe, inſtrument, or arms, with intent to aſſiſt ſuch priſoner to eſcape; and in caſe ſuch priſoner then was attainted or convicted of treaſon or any felony, except petty larceny, or committed or detained for treaſon, or any felony, except petty larceny, expreſſed in the warrant of commitment or detainer, every perſon ſo offending and convicted ſhall be deemed guilty of felony, and be tranſported to *America* for ſeven years; but in caſe the priſoner to whom, or for whoſe uſe ſuch diſguiſe, inſtrument, or arms, ſhall be ſo delivered, then was convicted, committed or detained for petty larceny, or any other crime, not being treaſon or felony expreſſed in the warrant of commitment or detainer, or upon any proceſs for debt, damages, coſts, or ſums of money amounting to 100*l.* every perſon ſo offending and convicted ſhall be deemed guilty of a miſdemeanor, for which he ſhall be liable to a fine and impriſonment.

CXXXI. *Sect.* 3. If any perſon aſſiſt any priſoner to attempt to make his eſcape from the cuſtody of any conſtable, headborough, tythingman, or other officer who ſhall then have the lawful charge of ſuch priſoner in order to carry him to gaol, by warrant of commitment for treaſon, or any felony (except petty larceny) expreſſed in ſuch warrant; or if any perſon be aſſiſting to any felon, to attempt to make his eſcape from any boat or ſhip, carrying felons for tranſportation, or from any perſon to whom ſuch felon is lawfully delivered in order for tranſportation, every perſon ſo offending and convicted ſhall be deemed guilty of felony, and be tranſported to *America*, for ſeven years.

CXXXII. *Sect.* 4. There ſhall be no proſecution for any of the ſaid offences, unleſs ſuch proſecution be commenced within one year after ſuch offence.

CXXXIII. *Sect.* 5. If any perſon ordered for tranſportation in purſuance of this act return or be at large in *Great Britain*, without lawful cauſe, before the expiration of the term for which he was ordered to be tranſported, ſuch perſon ſhall be liable to the ſame puniſhment, and to the like methods of proſecution, trial, and conviction, as other felons tranſported or ordered to be tranſported.

CXXXIV. **Stat.** 27 *Geo.* 2. *cap.* 3. *ſect.* 1. When any perſon not having goods or money, within the county where he is taken, ſufficient to bear the charges of himſelf

ſelf and of thoſe who convey him, is committed to gaol or the houſe of correction, by warrant from any juſtice of peace, then on application by the officer who conveyed him, any juſtice for the ſame county or place, ſhall upon oath examine into and aſcertain the expences to be allowed ſuch officer, and ſhall without fee by warrant order the treaſurer of the county, *&c.* to pay the ſame.

CXXXV. *Sect.* 2. So much of the 3 *Jac.* 1. *cap.* 10. as relates to the taxing the pariſh where offenders are taken for defraying the charges of conveying them to gaol ſhall be repealed.

CXXXVI. *Sect.* 4. Nothing in this act ſhall extend to impower any court or juſtice of peace to make orders on the treaſurer of the county of *Middleſex*, for the payment of the expences of the conſtable or other officer, in conveying any perſon to gaol; or for the payment of any perſon for his time, trouble and expence, who ſhall appear on his recognizance to give evidence. But within the ſaid county of *Middleſex* the expences of the officer in conveying any perſon to gaol by virtue of a warrant from any juſtice of peace ſhall (after ſuch expences have been examined into upon oath, and allowed by ſuch juſtice, for which no fee ſhall be taken) be paid by the overſeers of the poor of the pariſh or place where the ſaid perſon was apprehended.

CXXXVII. **Stat.** 27 *Geo.* 2. *cap.* 17. *ſect.* 1. Whereas king *James* I. by his letters patent granted to Sir *William Smith* knt. his heirs and aſſigns, the office of marſhal of the *Marſhalſea* of the court of *King's Bench*, to exerciſe the ſaid office by themſelves or deputies, and alſo granted to the ſaid Sir *William Smith* his heirs and aſſigns all profits belonging to the ſaid office, together with the cuſtody of the priſon. And the inheritance of the ſaid office by ſeveral meſne conveyances afterwards veſted in *William Lenthall* late of *Great Hazeley* in the county of *Oxon* eſq; who by indenture dated the 24th of *February* 1684, in conſideration of 10000 *l.* lent by Sir *John Cutler* of *Weſtminſter* knt. and bart. covenanted that he and his heirs ſhould ſtand ſeiſed of the inheritance of the ſaid office for ſecuring the payment of the ſaid 10000 *l.* with intereſt; and whereas by 8 & 9 *Will.* 3. *cap.* 27. *ſect.* 19. it was provided, that nothing in the ſaid act ſhould prejudice any ſecurity given out of the ſaid office by the ſaid *William Lenthall* to the ſaid Sir *John Cutler*, or to *Edmund Boulter* eſq; executor of the ſaid Sir *John Cutler*, or in truſt for either of them, or to ſubject the ſaid office to the forfeitures or penalties of the ſaid act until the money ſecured by the ſaid mortgage ſhould be paid; and it was enacted [*Sect.* 22.] that every deputation thentofore made by the ſaid *William Lenthall* of the ſaid office was void; and that every ſucceeding marſhal ſhould be appointed by the ſaid *William Lenthall* his heirs and aſſigns, with the conſent under the hand and ſeal of the ſaid *Edmund Boulter*, his executors, adminiſtrators and aſſigns, until the debt owing by the ſaid *William Lenthall* to the ſaid *Edmund Boulter* as executor of the ſaid Sir *John Cutler*, ſhould be ſatisfied; and whereas by an account ſigned by the ſaid *William Lenthall*, the 26th of *June* 1700, there appeared to be then due and ſecured by the ſaid mortgage 2043 *l.* 10*s.* 6*d.* ½. which debt was afterwards aſſigned to *Joſeph Studley* late of St. *Nicholas Lane London* gent. and the inheritance of the office aforeſaid by ſeveral meſne conveyances is now veſted in *Ebenezer Blackwell* of *Lombard Street London* goldſmith, in truſt for the ſaid heirs of the ſaid *William Lenthall*, and in truſt that he the ſaid *Ebenezer Blackwell* and his heirs ſhall until the debt due on the ſaid mortgage be ſatisfied with the conſent of the executors adminiſtrators and aſſigns of the ſaid *Joſeph Studley* under their hands and ſeals, appoint ſome perſon to execute the ſaid office, and appoint other officers belonging to the ſame office; and whereas the debt due on the ſaid mortgage hath been ſince aſſigned to the perſons and in the proportions after-mentioned, *viz.* to *Thomas Martin* of *Clapham* in *Surrey* eſq; eight twentieth parts, to *John Martin* of *Overbury* in *Worceſterſhire* eſq; four twentieths, to the ſaid *Thomas* and *John Martin* as executors of *Edward Bowman* late of *London* citizen and goldſmith four twentieths upon the truſts in his will, to *John Langmore* of *Bow Lane London* gent. as executor of the ſaid *Joſeph Studley* one twentieth, to the ſaid *John Langmore* in his own right one half of one twentieth, to *Edward Birch* of the pariſh of St. *Giles in the Fields* in *Middleſex* cordwainer and *Ann* his wife one half of one twentieth, and to the ſaid *Ebenezer Blackwell* two twentieth parts; and whereas on the 1st of *February*

1753, there was due for principal and intereſt on the ſaid mortgage 30397 *l.* 3 *s.* 3 *d.* and the proprietors of the ſaid debt have agreed to accept 10500 *l.* in ſatisfaction for the ſame; and whereas the priſon of the *Marſhalſea* of the ſaid court of *King's Bench* is decayed and out of repair; and whereas the granting the ſaid office of marſhal, in fee, and the mortgaging the ſame has been an obſtruction to the due exerciſe thereof, and injurious to the ſuitors of the court of *King's Bench*, who cannot have any benefit of the ſtatute of 8 & 9 *Will.* 3. *cap.* 27. until the debt due on the ſaid mortgage be paid, be it enacted, that out of any ſupplies granted for the year 1754, any ſum not exceeding 10500 *l.* ſhall be paid to the ſaid *Thomas Martin*, *John Martin*, *John Langmore*, *Edward Birch*, and *Ebenezer Blackwell*, their executors, adminiſtrators or aſſigns, in ſatisfaction for the debt due to them on the ſaid mortgage of the office of marſhal aforeſaid, upon their conveying and releaſing unto his Majeſty, his heirs and ſucceſſors, all their eſtate and intereſt in the ſaid office, and the ſaid debt.

CXXXVIII. *Sect.* 2. Immediately after payment of the ſaid 10500 *l.* the priſon of the *Marſhalſea* of the court of *King's Bench*, and the ſite thereof, and the ground and appurtenances thereunto belonging, and the power of granting the cuſtody of the ſaid priſon, and the office of marſhal of the *Marſhalſea* aforeſaid, ſhall be re-veſted in his Majeſty, and ſhall for ever remain unalienable; ſubject to ſuch proviſo for redemption as herein after is mentioned, and ſubject to ſuch regulations with regard to the execution of the ſaid office and government of the priſon, as are herein after provided.

CXXXIX. *Sect.* 3. Provided, that if the heirs or aſſigns of the before-named *William Lenthall* before the 29th of *September* 1766, exhibit a bill in the exchequer at *Weſtminſter*, obtain a decree for redemption of the ſaid office, and pay into the exchequer ſuch money as by the ſaid court they ſhall be decreed to pay in diſcharge of the ſaid mortgage; then they ſhall repoſſeſs and enjoy the ſaid office

CXL. *Sect.* 4. Provided nothing in this act ſhall give to the heirs or aſſigns of the ſaid *William Lenthall* any right of redemption of the ſaid office, which by reaſon of the length of time or otherwiſe they would not have been intitled to, if this act had not been made.

CXLI. *Sect.* 5. After payment of the ſaid ſum *John Aſhton* eſq; the preſent marſhal ſhall continue to hold the ſaid office and all fees and advantages thereto belonging (ſubject to the proviſo for redemption before-mentioned) for ſo long time as he ſhall behave himſelf well in his ſaid office, and ſhall be reſident in the ſaid priſon or within the rules thereof: And after the death, reſignation, or amoval of the ſaid *John Aſhton*, his Majeſty ſhall have power (ſubject to the proviſo for redemption before-mentioned) to appoint by his letters patent or ſign manual, ſuch perſon as his Majeſty ſhall think fit, to be marſhal of the *Marſhalſea* aforeſaid; and ſo from time to time, to appoint the marſhal of the *Marſhalſea* aforeſaid, as often as the ſaid office ſhall become vacant; and every perſon ſo appointed ſhall hold the ſaid office, and all fees and advantages thereto belonging, for ſo long time as ſuch marſhal ſhall behave himſelf well in his ſaid office, and ſhall be reſident in the ſaid priſon, or within the rules thereof: And all grants of the ſaid office ſhall be made accordingly, or otherwiſe ſhall be void.

CXLII. *Sect.* 6. The marſhal aforeſaid and all officers belonging to the ſaid office of marſhal, and the priſoners committed to the priſon aforeſaid, ſhall be governed by ſuch rules as have been or ſhall be made in purſuance of the directions of 2 *Geo.* 2. *cap.* 22. and the ſaid marſhal, and the officers aforeſaid, ſhall take ſuch fees only as have been or ſhall be ſettled in purſuance of the laſt-mentioned act. *The* 2 Geo. 2. cap. 22. *is expired, and the ſubſtance of it re-enacted by* 32 Geo. 2. cap. 28. *infra.*

CXLIII. *Sect.* 7. After payment of the ſaid 10500 *l.* the marſhal aforeſaid ſhall have the nomination of all ſuch inferior officers as now belong or have uſually belonged to the office of marſhal; and all inferior officers appointed in purſuance of this act ſhall hold their offices during ſo long time as they ſhall reſpectively behave themſelves well therein, and all grants of the ſaid inferior offices ſhall be made accordingly, or otherwiſe be void.

CXIV. *Sect.* 8. As well the marſhal aforeſaid as the inferior officers to be nominated in purſuance of this act, ſhall be liable to be amoved by rule of the court of *King's Bench*, in caſe of any ſuch non-reſidence or other neglect of duty, or any ſuch miſbehaviour as the ſaid court of *King's Bench* ſhall think ſufficient cauſe for ſuch amoval, upon any complaint by motion or petition in a ſummary way.

CXLV. *Sect.* 9. If any perſon after payment of the ſaid 10500*l.* ſhall bargain or ſell the ſaid office of marſhal or any inferior office thereto belonging, or any deputation of any ſuch office or any part of any of them, or take any money or profit directly or indirectly or any promiſe or aſſurance to receive any money, *&c.* for any ſuch office, *&c.* or to the intent that any perſon ſhould have any ſuch office, *&c.* every ſuch perſon who ſhall ſo bargain, *&c.* ſhall forfeit all his right, intereſt, and eſtate in any of the ſaid offices, *&c.* or in the gift or nomination of any of the ſaid offices, *&c.* for which he ſhall ſo bargain, *&c.* and every perſon who ſhall give any money or reward, or make any promiſe or aſſurance to give any money, *&c.* for any of the ſaid offices, *&c.* ſhall immediately upon the ſame money, *&c.* being given, or promiſe, *&c.* made, be diſabled to have the ſaid office, *&c.* for which he ſhall ſo give any money, *&c.* or make any promiſe, *&c.* to give any money, *&c.*

CXLVI. *Sect.* 10. Nothing in this act ſhall prejudice any perſon who hath heretofore purchaſed any inferior office belonging to the office of marſhal aforeſaid, or any perſon claiming under the aforeſaid mortgage of the 24th of *February* 1684, and who is now in poſſeſſion of ſuch office; but ſuch perſon may hold the ſame, giving ſuch ſecurity for the due execution of his office to the marſhal, as the court of *King's Bench* ſhall direct; and ſhall have power to ſell ſuch office, ſo as ſuch ſale be by deed of aſſignment, or by words of aſſignment indorſed on the grant of the ſaid office, and be made with the approbation of the court of *King's Bench* (if in term time) or with the approbation of the lord chief juſtice, or other of the juſtices of the ſaid court, during any vacation; and every ſuch purchaſer ſhall be poſſeſſed of the ſaid office, for ſo long time as he ſhall well behave himſelf, but ſhall be amoveable in a ſummary way as aforeſaid, and be ſubject to the regulations before-mentioned, and have no power to ſell the ſame; and ſhall give ſuch ſecurity for the due execution of his office to the marſhal, as the lord chief juſtice or any of the juſtices of the ſaid court ſhall direct.

CXLVII. *Sect.* 11. The ſaid *Ebenezer Blackwell*, as truſtee for the heirs and aſſigns of the ſaid *William Lenthall*, and *Thomas Martin* and *John Martin*, as executors of *Edward Bowman*, ſhall not be liable to any claim either at law or in equity, by the heirs or aſſigns of *William Lenthall*, or any perſon claiming under him, or by any perſon claiming under the will of *Edward Bowman*, for any ſuppoſed breach of truſt in accepting ſuch compoſition before-mentioned, in ſatisfaction for the debt ſecured by the mortgage of the office of marſhal aforeſaid, or by aſſigning or releaſing all their eſtate and intereſt in the ſaid office in purſuance of this act.

CXLVIII. *Sect.* 12. It ſhall be lawful for *Thomas Martin* and *John Martin* to retain out of the truſt-monies which ſhall come to their hands by virtue of this act, a proportionable part of all ſuch expences as they have ſuſtained in relation to the ſaid mortgage.

CXLIX. *Sect.* 13. Immediately after payment of the ſaid 10500*l.* the before recited clauſes of 8 & 9 *Will.* 3. *cap.* 27. (viz. *ſect.* 19. & 22.) ſhall be repealed.

CL. *Sect.* 14. The ſaid *John Aſhton*, his heirs, executors, adminiſtrators and aſſigns, and all other perſons ſhall be diſcharged from the payment of any money upon the account of holding the office of marſhal aforeſaid, after the 12th of *February* 1753, by virtue of any leaſe or agreement.

CLI. *Sect.* 15. Out of any ſupplies granted for the year 1754, there ſhall be applied any ſum not exceeding 7800*l.* for rebuilding the priſon of the *Marſhalſea* of the court of *King's Bench*, in ſuch manner, and at ſuch place, within the rules of the ſaid priſon, as the commiſſioners of the treaſury or any three of them ſhall direct by writing under their hands.

CLII. *Sect.* 16. It ſhall be lawful for all bodies politic, and all truſtees, mortgagees, and feoffees in truſt, guardians of infants, and committees of lunatics and ideots, executors and adminiſtrators, and for all femes covert, and all other perſons intereſted in any lands within the rules of the ſaid priſon, to ſell the ſame to ſuch perſons as the commiſſioners of the treaſury ſhall appoint to contract for the purchaſe thereof, and ſuch lands and tenements ſhall be conveyed to his Majeſty, his heirs and ſucceſſors by deed inrolled in the *King's Bench*. And every ſum of money paid to the uſe of any ſuch body politic, or other perſon aforeſaid, for the purchaſe of lands for the purpoſes

of

of this act, shall be laid out in the purchase of other lands to be settled and subject to such titles, uses, trusts, limitations, remainders, and contingencies, as the lands sold; and until such purchase-money be re-invested in lands, the same shall be laid out in the purchase of stocks, in some of the public funds, or placed out on government or real securities at interest, and such interest shall be paid to the use of such person as would have been intitled to the rents of the lands sold.

CLIII. *Sect.* 17. When such prison shall be rebuilt the marshal for the time being shall at his own costs out of the profits of his office keep in repair the said prison and all the appurtenances thereunto; and the said prison so rebuilt with the appurtenances, shall remain unalienably vested in his Majesty for ever.

CLIV. *Sect.* 18. Nothing in this act shall affect any estate or interest of *Thomas* duke of *Leeds* in those two messuages with the appurtenances in *Southwark* in *Surrey*, whereof heretofore one was called the *Angel*, and is now or late was known by the name of the *King's Bench*; and the other called the *Crane*; and all tenements and gardens to the said messuages appertaining; and a piece of ground behind the said garden; which said two messuages and premisses by letters patent under the seal of the court of exchequer dated at *Westminster* the 11th of *March* in the 24th year of his present Majesty's reign, were among other things granted by his Majesty unto the said *Thomas* duke of *Leeds* for 31 years from the date of the said patent.

CLV. **Stat.** 32 *Geo.* 2. *cap.* 28. *sect.* 1. No sheriff, bailiff or other officer shall convey any person arrested by virtue of any process to any public victualling or drinking house, or to the house of such officer or of any tenant or relation of his, without the consent of the person arrested; nor charge him for wine, victuals, or any other liquor or things whatsoever, save what he shall call for; nor shall cause him to call or pay for any such liquor or things, except what he shall particularly and freely ask for; nor shall take any greater sum than is by law allowed for any arrest, or for detaining or waiting till the person arrested have given an appearance or bail, or agreed with the person at whose suit he is arrested, or until he be sent to the gaol belonging to the county or place where such arrest shall be; nor shall take any reward for keeping the person arrested out of gaol; nor shall carry any such person to gaol within 24 hours from the time of such arrest, unless such person refuse to be carried to some safe and convenient dwelling-house of his own nomination within a city, borough, corporation, or market town, in case such person be there arrested; or within three miles from the place where such arrest shall be, if the same be made out of any city, *&c.* so as such dwelling-house be not the house of the person arrested, and be within the county or liberty in which the person was arrested: and then it shall be lawful for such officer to convey the person arrested, and refusing to be carried to such safe and convenient dwelling-house, to gaol.

CLVI. *Sect.* 2. No sheriff, bailiff or other officer shall take any greater sum for one or more nights lodging, or for a day's diet, or other expences of any person under arrest on any process, other than shall be allowed by some order already made, or which shall be made, by the justices of peace at some general or quarter sessions for the county or place where such arrest shall be; who are with all convenient expedition to make some standing orders for ascertaining such charges within their respective counties and jurisdictions, if the same hath not already been there made; and if any such order hath been made, such justices at their general or quarter sessions are to alter the same from time to time as they see occasion; and are to cause a copy of every such order, and of every alteration thereof, signed by the clerk of the peace, to be put and kept in some conspicuous place in the sessions house, or some other proper place, of every such county, *&c.* as such justices shall order, so as the same may be there seen and examined as occasion may require.

CLVII. *Sect.* 3. Every sheriff, under-sheriff, and bailiff of any liberty, and the respective secondaries and clerk sitters in the compters in *London*, and all other persons intrusted with the execution of process, or who shall enter any actions, or make any warrant or any writ or process, in order to have the same executed, shall deliver a printed copy of the several clauses in this act relating to bailiffs, and other officers and persons employed under them to execute any process, or who shall arrest any person

on

on any action entered, or otherwiſe, within their reſpective ſheriffwicks or juriſdictions, to every ſuch bailiff, &c. and ſhall make it part of the condition of every ſecurity given to any ſuch ſheriff or under-ſheriff, or bailiff of any liberty, by any bailiff or perſon employed to execute proceſs, that every ſuch bailiff, &c. ſhall ſhew and deliver a copy of the ſaid clauſes to every perſon he ſhall arreſt, and carry to any public or other houſe where any liquor ſhall be ſold; and ſhall permit every ſuch perſon arreſted, or any friend of him or her, to read over the ſame clauſes, before any liquor or victuals be called for or brought to ſuch perſon under arreſt there; and in caſe any bailiff, &c. offend in the premiſſes, every ſuch offence, beſides the breach of the condition of ſuch ſecurity bond, ſhall be deemed a miſdemeanor in the execution of the proceſs on which ſuch perſon was arreſted, and ſhall be puniſhable as ſuch by this act.

CLVIII. *Sect.* 4. Every ſheriff, under ſheriff, bailiff of any liberty, and keeper of any priſon, and other perſon to whoſe cuſtody any one hath been or ſhall be arreſted, committed, or charged in execution, by virtue of any proceſs, ſhall permit ſuch perſon during his continuance in cuſtody to ſend for or have brought to him at ſeaſonable times in the day-time any beer or victuals, from what place he thinks fit or can have the ſame; and to uſe ſuch bedding, linnen, and other neceſſary things, as he ſhall have occaſion for or be ſupplied with, without purloining or detaining the ſame, or requiring him to pay for the uſing thereof, or putting any reſtraint upon him in the uſing thereof, or relating thereto; and no ſuch priſoner ſhall pay any thing in reſpect thereof to any ſuch ſheriff, &c.

CLIX. *Sect.* 5. The lord chief juſtice of the *King's Bench*, the lord chief juſtice of the *Common pleas*, and the lord chief baron of the *Exchequer*, or any two of them, with the mayor and two aldermen, or with three aldermen of *London* without the mayor, for the priſons within the ſaid city; and the ſaid lord chief juſtices, and lord chief baron, or any two of them, with three juſtices of peace of the counties of *Middleſex* and *Surrey* reſpectively, for the priſons in the ſaid counties reſpectively; are required with all convenient ſpeed, to meet, from time to time, at ſuch place as they think fit, and to ſettle a table of fees to be taken by any gaoler in *London*, or in *Middleſex* and *Surrey*, where the ſame hath not been already eſtabliſhed; and where the ſame hath been eſtabliſhed, they are to meet and vary the ſame from time to time as they ſee occaſion. And the juſtices of peace of every other county and place, for the priſons in each county, &c. are at any general or quarter ſeſſion of peace with all convenient ſpeed, to ſettle a table of the fees to be taken by any gaoler within their reſpective juriſdictions, where the ſame hath not been already ſettled; and where the ſame hath been ſettled to alter the ſame, from time to time, as there ſhall be occaſion. And the tables of ſuch fees ſo made or altered for the ſeveral priſons within the city of *London* and counties of *Middleſex* and *Surrey* ſhall be ſigned by the ſaid lords chief juſtices, and lord chief baron, or two of them, and the mayor and two aldermen of *London*, or by three aldermen without the mayor, and by three juſtices of the peace of the counties of *Middleſex* and *Surrey* reſpectively: And the tables of ſuch fees made or altered for the reſt of the priſons ſhall be ſigned by three or more juſtices of peace, who make or alter the ſame at any general or quarter ſeſſion of the peace; and ſhall afterwards be confirmed or moderated within *England*, by the juſtices of aſſize; and if within *Wales*, or the county palatine of *Cheſter*, by the juſtices of great ſeſſions reſpectively; at the next aſſizes, or great ſeſſions, in the reſpective counties within their ſeveral circuits next after the making or altering ſuch table of fees; and the ſame ſhall be afterwards ſigned by the reſpective judges of aſſize, or juſtices of great ſeſſions, who confirm or moderate the ſame, and three or more juſtices of peace of ſuch county, &c. for the priſons within their reſpective circuits, counties, or juriſdictions.

CLX. *Sect.* 6. Rules for the better government of the priſons in *England*, and of the priſoners therein, where ſuch rules have not already been made, ſhall with all convenient ſpeed be made by the ſeveral courts in *Weſtminſter Hall*, for the ſeveral priſons belonging to ſuch courts; and by the lords chief juſtices, and lord chief baron, or two of them, with the mayor and two aldermen of *London*, or three or more aldermen without the mayor, for the priſons within the ſaid city, and by the lords chief juſtices, and lord chief baron, or two of them, with three or more juſtices of peace,

for the priſons within the county of *Middleſex* and *Surrey*; and by three or more juſtices of peace of each county, *&c.* for the priſons within their reſpective counties, *&c.* at ſome general or quarter ſeſſions, and the ſame ſhall afterwards be reviewed, and may be altered if neceſſary, by the judge or judges of aſſize, or juſtice or juſtices of great ſeſſions reſpectively, at the next aſſizes or great ſeſſions within their ſeveral circuits, after the making or altering ſuch rules. And where any rules for regulating priſons have been or ſhall be made, the ſame may at all times hereafter be altered by the reſpective courts in *Weſtminſter Hall*, and other perſons authorized by this act: And after every making or altering, all ſuch rules ſo altered ſhall be ſigned by the judges of each reſpective court in *Weſtminſter Hall*, for the priſons and priſoners belonging to the ſaid court; and in reſpect to the other priſons or priſoners therein by the reſpective perſons authorized. And duplicates of every ſuch table of fees made or altered, and of all rules for regulating any priſon in purſuance of this act, belonging to the courts in *Weſtminſter Hall*, ſhall be inrolled on record in every ſuch reſpective court by the proper officer without fee: and a like duplicate of every ſuch table of fees or rules, ſo made or altered which relate to any other priſon or the priſoners therein in *England*, ſhall from time to time with all convenient ſpeed be tranſmitted to the reſpective clerks of the peace of the counties, *&c.* for which the ſame are made, and ſhall be by ſuch clerk of the peace, entered on the rolls of the ſeſſions without fee: And ſuch clerks of the peace ſhall cauſe another copy to be hung up in the court where every aſſize, great ſeſſions, or quarter ſeſſions of the peace, for ſuch county, *&c.* in his juriſdiction, ſhall be held, there to be inſpected as occaſion ſhall require; and ſhall cauſe another copy to be tranſmitted to every gaoler within the juriſdiction of ſuch clerk of the peace: And ſuch gaoler ſhall forthwith, after the receipt of ſuch table of fees or rules, cauſe the ſame to be hung up in ſome public room or place, and in a conſpicuous manner, in his priſon; and it ſhall be incumbent on every ſuch gaoler to take care that the ſame be kept up there, ſo as the priſoners may have free reſort thereto, at ſeaſonable times in the day-time, without paying any thing for the ſame.

CLXI. *Sect.* 7. The ſeveral courts of record in *Weſtminſter Hall* ſhall in every *Michaelmas* term, appoint ſome day in ſuch term to inquire whether ſuch table of fees, and ſuch rules are hung up, and remain public, and eaſy to be reſorted to, in the priſons to the ſaid courts belonging, and whether the ſame be duly obſerved; and ſhall cauſe eight days notice to be given in every *Michaelmas* term, to the priſoners in the reſpective priſons of the time for ſuch inquiry, and ſhall inform themſelves touching the ſame in the beſt manner they can, and redreſs whatever they find neglected.

CLXII. *Sect.* 8. The judges and juſtices of aſſize, gaol delivery, and great ſeſſions within their reſpective juriſdictions, ſhall at all aſſizes and ſeſſions of gaol delivery and great ſeſſions make inquiry whether ſuch table of fees and rules are hung up and remain public to be reſorted to in the ſeveral priſons within their reſpective juriſdictions, and whether the ſame be duly obſerved; and ſhall inform themſelves touching the ſame in the beſt manner they can, and redreſs whatever they find neglected, and ſhall expreſly give in charge to every grand jury ſworn before them reſpectively, to make inquiries concerning the ſame.

CLXIII. *Sect.* 9. The ſeveral courts of *King's Bench*, *Common pleas*, and *Exchequer*, judges of aſſize, and juſtices of great ſeſſions, and juſtices of peace within their reſpective juriſdictions, and all commiſſioners for charitable uſes, ſhall from time to time uſe their beſt endeavours to diſcover the ſeveral gifts and legacies given for the benefit of the poor priſoners in the priſons within their reſpective juriſdictions, and they are hereby authorized to cauſe to be brought before them any deeds, wills, writings, books of account, and papers, as they ſhall receive information of and concerning the premiſſes; and may ſummon and cauſe to come before them any perſons who they apprehend may make diſcovery concerning the ſame; and examine ſuch perſons on oath, in order to get a true diſcovery thereof, and to ſettle the payment, recovery, and receipt of ſuch gifts or legacies.

CLXIV. *Sect.* 10. A table of ſuch gifts and legacies for the benefit of the priſoners in every priſon reſpectively, ſhall after every ſettling thereof be tranſmitted by the perſons authorized to ſettle the ſame, unto the clerks of the peace of the reſpective

ſpective counties, &c. and ſhall be regiſtered by them in the manner tables of fees and orders are to be regiſtered, without fee. And a table of ſuch gifts and legacies ſhall be tranſmitted, by order of ſuch perſons as aforeſaid, to the keeper of every priſon to which the gifts therein contained relate; and forthwith ſhall be hung up by the gaoler in a conſpicuous manner in ſome public place in his priſon, and where the priſoners may have free reſort thereto, without fee: and it ſhall be the duty of every gaoler to take care that every ſuch table of gifts or a copy thereof be kept hung up in his priſon.

CLXV. *Sect.* 11. Upon the petition in term time of any priſoner complaining of any extortion by any gaoler, bailiff, or other perſon employed in the keeping any priſon or other place where ſuch priſoner ſhall have been carried, or in reſpect of the arreſting any perſon, or of any other abuſe, unto any court of record at *Weſtminſter* from whence the proceſs iſſued, or under whoſe juriſdiction ſuch priſon or place is; or in vacation time to any judge of any court at *Weſtminſter*, from whence ſuch proceſs iſſued; or to the judges of aſſize, or juſtices of great ſeſſions, in their reſpective circuits; or to the judge of any other court of record, where any priſoner was arreſted or in cuſtody by proceſs of ſuch court within *England*; and if within *Wales*, or the county palatine of *Cheſter*, then to the juſtices at ſome great ſeſſions for the county where ſuch priſoner was arreſted or in cuſtody, every ſuch court, &c. are to hear and determine the ſame in a ſummary way, and to make order for redreſſing the abuſes complained of, and for puniſhing ſuch perſon complained againſt, and for making reparation to the party injured, with the coſts of ſuch complaint: and all orders thereupon made ſhall have the ſame effect, and obedience be inforced as other orders of the ſaid reſpective courts, judges, juſtices of aſſize and great ſeſſions, or judges of inferior courts of record, may be inforced.

CLXVI. *Sect.* 12. No keeper of any priſon, or other perſon thereunto belonging, ſhall take directly or indirectly of any priſoner for debt, damages, coſts, or contempt, any greater fees for his commitment, chamber-rent, or diſcharge, than ſhall be allowed in the table of fees inrolled and regiſtered as aforeſaid; and every ſheriff and other officer who ſhall offend againſt this act, ſhall for every ſuch offence (over and above ſuch penalties as he ſhall be liable unto by the laws now in force) forfeit to the party aggrieved 50*l.* to be recovered, with treble coſts, by action of debt, &c. in any court of record at *Weſtminſter*; wherein no eſſoin, &c. ſhall be allowed.

CLXVII. *Sect.* 13. If any perſon charged in execution for any ſum not exceeding 100*l.* or on which execution there remains due (as ſhall be made appear by oath) a ſum not amounting to above 100*l.* be minded to deliver up to his creditors who ſhall ſo charge him in execution, all his effects; it ſhall be lawful for ſuch priſoner, before the end of the firſt term next after he is charged in execution to exhibit a petition to any court at law from whence the proceſs iſſued, or to the court into which ſuch priſoner is removed by *Habeas Corpus*, or charged in cuſtody and remains in the priſon thereof, certifying the cauſe of his impriſonment; and not only ſetting forth an account of all the real and perſonal eſtate which he, or any perſon in truſt for him is intitled to at the time of his petitioning, and of all incumbrances affecting ſuch eſtate, but alſo an account of all the real and perſonal eſtate which ſuch priſoner or any perſon in truſt for him was intitled to, at the time of his firſt impriſonment in the action in which he is charged in execution, either in poſſeſſion or expectancy, to the beſt of his belief, and ſo far as his knowledge extends; and an account of all ſecurities wherein any part of his eſtates conſiſts, and of all the deeds and papers concerning the ſame; and the names and places of abode of the witneſſes to all ſecurities or notes, and where they are to be met with, ſo far as his knowledge extends. And before ſuch petition be received ſuch priſoner ſhall cauſe to be given or left, for all creditors at whoſe ſuit he ſtands charged in execution, or their executors or adminiſtrators, and at their uſual place of abode (or for their attorney laſt employed in ſuch action, in caſe any creditor, &c. cannot be met with) 14 days at leaſt before ſuch petition be preſented, a notice in writing, ſigned with the name or mark of ſuch priſoner, importing that ſuch priſoner intends to petition the court, and ſetting forth a copy of the ſchedule of his eſtate, which he intends to deliver into court, except the neceſſary wearing apparel and bedding of the priſoner and his family, and the tools of his trade,

not

not exceeding 10*l.* in value. And an affidavit of the due ſervice of ſuch notice ſhall be delivered with ſuch petition, and read in court. And if ſuch court be ſatisfied of the regularity of ſuch notice, ſuch petition ſhall be received; and ſuch court ſhall by rule cauſe the priſoner ſo petitioning to be brought up to ſuch court, on ſome day in ſuch rule ſpecified; and the creditors at whoſe ſuit he ſtands charged in execution, or their executors or adminiſtrators, to be ſummoned to appear perſonally, or by attorney, at ſome day ſpecified in ſuch rule: And if any creditors ſo ſummoned or their executors or adminiſtrators appear, or if they neglect to appear, upon affidavit of the ſervice of ſuch rule on them (or their attorney, if they cannot be met with) ſuch court ſhall in a ſummary way examine into ſuch petition, and hear what ſhall be alledged, for or againſt the diſcharge of ſuch priſoner; and adminiſter to the priſoner an oath to the effect following, *viz.*

I A. B. *do ſwear, in the preſence of Almighty God, that the account by me ſet forth in my petition preſented to this honourable court, doth contain a full and true account of the real and perſonal eſtate, debts, credits, and effects whatſoever, which I, or any in truſt for me, at the time of my firſt impriſonment in this action, or at any time ſince, had, or was in any reſpect intitled to, in poſſeſſion, reverſion, or remainder (except the wearing apparel and bedding of or for me and my family, and the tools or inſtruments of my trade or calling, not exceeding* 10l. *in value in the whole) and alſo an account how much of my real and perſonal eſtate, debts, credits, or effects, hath ſince been diſpoſed of, releaſed, and diſcharged, and how, to whom, and on what conſideration, and for what purpoſe, and how much thereof I, or any perſon or perſons in truſt for me, have, or, at the time of my preſenting my ſaid petition to this honourable court, had, or which I am or was, or any perſon in truſt for me, or for my uſe, is any ways intereſted in, or intitled to, in poſſeſſion, reverſion, remainder, or expectancy, and alſo a true account of all deeds, writings, books, papers, ſecurities, bonds, and notes, relating thereto, and where the ſame reſpectively now are, to the beſt of my knowledge and belief, and what charges are now affecting the real eſtate I am now ſeiſed of, or intitled to* (if ſuch priſoner be then ſeiſed of any real eſtate) *and that I have not, at any time before or ſince my impriſonment, directly or indirectly, ſold, leaſed, aſſigned, mortgaged, pawned, or otherwiſe diſpoſed of, or made over in truſt for myſelf, or otherwiſe than is mentioned in ſuch account, any part of my meſſuages, lands, tenements, eſtates, goods, ſtock, money, debts, or other real or perſonal eſtate, whereby to have or accept any benefit, advantage, or profit, to myſelf or my family, or with any view, deſign, or intent, to deceive, injure, or defraud, any of my creditors to whom I am indebted.*

So help me GOD.

And in caſe any priſoner as aforeſaid in court take the ſaid oath, ſuch court may then order the lands and effects contained in ſuch account, or ſo much as may ſatisfy the debts wherewith ſuch priſoner ſtands charged in execution, and the fees due to the keeper of the priſon, to be by a ſhort indorſement ſigned by the priſoner, aſſigned to the creditors who have charged ſuch priſoner in execution, their heirs, executors, adminiſtrators and aſſigns, for the benefit of them who have ſo charged him in execution, ſubject to all prior incumbrances: And the eſtate belonging to any ſuch priſoner ſhall by ſuch aſſignment be veſted in the perſons to whom ſuch aſſignment is made, according to the intereſt ſuch priſoner had therein; and the creditors to whom ſuch aſſignment is made, ſhall take poſſeſſion of, and ſue in their names for the recovery thereof, as aſſignees of commiſſioners of bankrupts may ſue for the recovery of the effects of bankrupts; and no releaſe of ſuch priſoner, his executors or adminiſtrators, or any truſtee for him ſubſequent to ſuch aſſignment ſhall be pleadable in bar of any action commenced by ſuch aſſignees of ſuch priſoner: and upon every ſuch aſſignment being executed by ſuch priſoner, he ſhall be diſcharged out of cuſtody by rule of court; and ſuch rule being produced to, and a copy thereof left with ſuch ſheriff, or keeper of any priſon ſhall be a warrant to him to diſcharge ſuch priſoner, if charged in execution, or detained for the cauſes mentioned in his petition, and no other. And every ſuch ſheriff or keeper is, on having ſuch order produced to him, and a copy thereof left with him, to diſcharge forthwith every priſoner ordered to be ſo diſcharged, without taking any fee,

fee, or detaining him in reſpect of any demand of chamber-rent or otherwiſe; or for any fees due to ſuch ſheriff or keeper, or any employed under him. And no ſuch ſheriff or keeper ſhall be liable to any action of eſcape or other ſuit or information for what he ſhall do in purſuance of this act. And the perſons to whom the effects of ſuch priſoner ſhall be aſſigned, ſhall with all convenient ſpeed ſell the eſtates and effects of ſuch priſoner, and divide the produce among the creditors who have charged ſuch priſoner in execution, before the time of his petition, in proportion to their debts. But in caſe the perſons at whoſe ſuit ſuch priſoner ſtood charged in execution be not ſatisfied with the truth of ſuch priſoner's oath, and either perſonally, or by attorney (if they cannot perſonally attend, and proof be made thereof to the ſatisfaction of ſuch court) deſire further time to inform themſelves of the matters therein, ſuch court may remand ſuch priſoner, and direct him and the perſons diſſatisfied with ſuch oath to appear in perſon or by attorney on ſome other day appointed by ſuch court, at furtheſt within the firſt week of the term next following the time of ſuch examination, but ſooner if ſuch court think fit. And all objection to the inſufficiency in form againſt any priſoner's ſchedule of his effects, ſhall be only made the firſt time ſuch priſoner is brought up. And if at ſuch ſecond day the creditors diſſatisfied with ſuch oath make default in appearing; or appear and be unable to diſcover any effects of the priſoner omitted in the account ſet forth in his petition; then ſuch court ſhall by rule immediately cauſe the priſoner to be diſcharged, upon ſuch priſoner's executing ſuch aſſignment as is before directed; unleſs ſuch creditor who charged ſuch priſoner in execution his executors or adminiſtrators, inſiſt upon ſuch priſoner being detained, and agree by writing ſigned with his name or mark (or under the hand of his attorney, in caſe ſuch creditor, *&c.* be out of *England*) to pay weekly a ſum not exceeding 2 *s.* 4 *d.* as ſuch court thinks fit, unto the ſaid priſoner, to be paid every *Monday* in every week, ſo long as ſuch priſoner continues in priſon in execution at the ſuit of ſuch creditor; and in ſuch caſe ſuch priſoner ſhall be remanded to priſon: but if any failure at any time be made in the payment of the weekly ſum, ſuch priſoner upon application in term time to the court where the ſuit was commenced, or carried on, or in the priſon of which ſuch priſoner ſtands committed on *Habeas Corpus*, or in vacation time, to the judge of ſuch court, may by order of ſuch court or judge be diſcharged, proof being made on oath of the nonpayment for any week of the ſum ordered; but every ſuch priſoner before he be diſcharged ſhall execute an aſſignment of his effects in manner before directed. And if any priſoner petitioning for his diſcharge under this act, refuſe to take the oath before directed, or be detected before ſuch court or judge of falſity therein, or refuſe to execute ſuch aſſignment of his effects, he ſhall be remanded and continue in execution.

CLXVIII. *Sect.* 14. Where more creditors than one charge any priſoner in execution, and deſire to have ſuch priſoner detained, each creditor ſhall only pay ſuch weekly ſum not exceeding 1 *s.* 6 *d.* a week, on every *Monday* as the court at the time of his being remanded direct.

CLXIX. *Sect.* 15. Where any priſoner is charged in execution in any county gaol, or in any other priſon above 20 miles from *Weſtminſter Hall*, or the court out of which the execution iſſued; then upon petition to the court from whence ſuch execution iſſued, or in the priſon of which ſuch priſoner ſtands charged in execution, in like form as the petitions before-mentioned, and on affidavit to the purport before directed, made and left with ſuch petition, ſuch court (being ſatisfied with the truth of ſuch affidavit) is to make a rule to cauſe the priſoner ſo petitioning, to be brought to the next aſſizes for the county or place where he is impriſoned, if the ſame be within *England:* and if within the principality of *Wales*, or county palatine of *Cheſter*, then to the next great ſeſſions for the county in which ſuch priſoner is impriſoned. And the expence of bringing ſuch priſoner to ſuch aſſizes, not exceeding 1 *s.* a mile, ſhall be paid to the gaoler who brings ſuch priſoner, out of ſuch priſoner's effects, if ſufficient to pay ſuch expence; and if not, then ſuch expence ſhall be paid by the treaſurer of the county, *&c.* in which ſuch priſoner is impriſoned, out of the ſtock of the county, *&c.* as the ſame is allowed by ſuch court from which ſuch execution iſſued, or in the priſon of which ſuch priſoner is, by one of the judges of aſſize or juſtices of great ſeſſions. And the creditors their executors or adminiſtrators at whoſe ſuit ſuch priſoner

ſoner ſtands charged in execution, ſhall by rule of court from whence the proceſs iſſued, be ſummoned to appear at the ſaid next aſſizes or great ſeſſions, if ſuch creditors, &c. can be met with; and if not then the attorney laſt employed for ſuch creditors ſhall be ſummoned; and a copy of ſuch rule ſhall be ſerved on ſuch creditors, &c. or left at their uſual place of abode, or with their attorney laſt employed, 14 days at leaſt before ſuch aſſizes or great ſeſſions. And on an affidavit of ſuch ſervice being laid before the judge of aſſize, or of great ſeſſions, ſuch judge being ſatisfied with the truth of ſuch affidavit, is to appoint a time for hearing ſuch petition, on ſome day on the crown ſide of ſuch court during ſuch aſſizes or great ſeſſions. And upon the appearance of the creditors, &c. ſummoned in purſuance of this act; or in default of their appearance in perſon or by attorney, on proof of their being ſerved with the notice required, and a copy of the account of the eſtate of the priſoner being compriſed in ſuch notice, and of the rule of court for his appearance at ſuch aſſizes or great ſeſſions having been ſerved; the judge ſhall in a ſummary way examine into ſuch petition, and hear what ſhall be alledged for or againſt the diſcharge of the priſoner; and upon ſuch examination ſuch judge is to adminiſter to ſuch priſoner the oath before appointed: and ſuch judge is to make ſuch order in the premiſſes as ſeems meet, and proceed in the ſame manner concerning the diſcharge of any priſoner in any priſon within their reſpective juriſdictions, and give the ſame relief, and directions, as any court out of which any proceſs iſſued againſt any priſoner as aforeſaid: and every order made in the premiſſes by ſuch judge of aſſize or great ſeſſions ſhall be as effectual as if made in the court out of which the proceſs iſſued on which ſuch priſoner was charged in execution; and the ſame ſhall be made a record of the proceedings at ſuch aſſizes or great ſeſſions, and a copy thereof ſhall be tranſmitted to the court from whence the execution againſt the priſoner diſcharged iſſued, ſigned by the judge of aſſize or great ſeſſions, to be a record of the ſaid court.

CLXX. *Sect.* 16. If any priſoner now charged in execution for any debt or damages not exceeding 100 *l.* beſides coſts, ſhall not before the 29th of *September* 1759, make ſatisfaction to the creditors at whoſe ſuit he is charged in execution; or if any priſoner after the 15th of *June* 1759, charged in execution for any debt or damages not exceeding 100 *l.* beſides coſts, ſhall not within three months after he is charged in execution make ſatisfaction to his creditors who charge him in execution, then ſuch creditors their executors or adminiſtrators are impowered to require ſuch priſoner on giving 20 days notice in writing to him that they deſign to compel him to give in to the court from which the proceſs iſſued on which he is charged in execution, or into the court in the priſon of which he hath been removed by *Habeas Corpus*, or remains charged in execution, within the firſt ſeven days of the term next enſuing the expiration of the ſaid 20 days, in reſpect to any priſoner charged in any priſon belonging to the courts in *Weſtminſter Hall*; and at the ſecond court held by any other court of record after the expiration of the ſaid 20 days, in reſpect to any priſoner charged in any priſon belonging to ſuch other court; and where any ſuch priſoner is charged in execution in any priſon above 20 miles from *Weſtminſter Hall*, or the court out of which the proceſs on which he is charged in execution iſſued, then to give in upon oath, at the aſſizes or great ſeſſions as aforeſaid, and on the crown ſide thereof, for the county or place in the priſon of which ſuch priſoner is, next after the expiration of ſuch 20 days, an account in writing ſigned with his name or mark of his real and perſonal eſtate, and of all incumbrances affecting the ſame, to the beſt of his knowledge and belief, in order that his effects may be deveſted out of him, and may by the court or judge as aforeſaid, be ordered to be aſſigned in manner and for the purpoſes herein after declared: and every creditor requiring any priſoner to be brought up as aforeſaid, ſhall alſo give 20 days notice in writing of his intention to all other creditors of ſuch priſoner, at whoſe ſuit he is detained, if he be detained or charged in execution at the ſuit of any other creditors beſides thoſe giving ſuch notice, if ſuch other creditors can be found, and if not, then to the ſeveral attornies laſt employed in the reſpective actions in which ſuch priſoner is ſo detained; and ſhall give a like notice in writing to the ſheriff or keeper of the priſon in which ſuch priſoner is detained of his intention to have ſuch priſoner brought up, and to require ſuch ſheriff or gaoler to bring up ſuch priſoner. And ſuch notice to any ſheriff or gaoler ſhall be ſo given 20 days

days at leaſt before the time appointed for ſuch priſoner to be brought up: and thereupon every ſuch ſheriff or gaoler to whom ſuch notice is ſo given, ſhall at the coſts of ſuch creditor cauſe ſuch priſoner to be brought, as by ſuch notice is required, to ſuch court aſſizes or great ſeſſions as aforeſaid, together with a copy of the cauſes of his detainer: and if ſuch ſheriff or gaoler on ſuch notice in writing being given him and tender on behalf of ſuch creditor of reaſonable charges, not exceeding 1 *s.* a mile, to bring up the priſoner required, neglect to bring him there at the time required, with a copy of his detainer, ſuch ſheriff or keeper ſhall for every ſuch offence forfeit 20 *l.* to be recovered by the party aggrieved by action of debt, *&c.* in any court of record at *Weſtminſter*, if ſuch offence be committed out of *Wales*, or the county palatine of *Cheſter*; and if in the principality of *Wales*, or county palatine of *Cheſter*, then in ſome court of record in the ſaid principality or county palatine within the juriſdiction of which ſuch offence is committed, with treble coſts.

CLXXI. *Sect.* 17. Every priſoner charged in execution who in purſuance of this act ſhall at the deſire of any creditor be brought up to any ſuch court, ſhall on proof there firſt made of ſuch notices as before directed having been given, deliver in court upon oath within the time before preſcribed, an account in writing of his real and perſonal eſtate, and of all writings and ſecurities relating thereto, and of all incumbrances then affecting the ſame, and the reſpective times when made, to the beſt of his knowledge and belief, except neceſſary wearing apparel and bedding of ſuch priſoner and his family, and the neceſſary tools of his trade, not exceeding the value of 10 *l.* which account ſhall be ſubſcribed with the name or mark of the priſoner: and on the delivering in of ſuch account, the effects of ſuch priſoner ſhall be aſſigned by ſuch priſoner by a ſhort indorſement on ſuch account to ſuch perſons as the court or judge, in which or to whom ſuch account ſhall be ſo given in, ſhall order, in truſt for the creditor who required ſuch priſoner to be brought up, and of ſuch other creditors (if any) at whoſe ſuit ſuch priſoner is charged in cuſtody, or in execution; and who by writing ſigned by them reſpectively before ſuch aſſignment conſent to ſuch priſoner's being diſcharged at their ſuits, and agree to take a proportionable dividend of his effects, with the creditors who required him to be brought up; and if there be no other creditors, or there being ſuch they do not agree in writing to diſcharge ſuch priſoner, and accept ſuch proportionable dividend; then in truſt for the creditors only who ſhall require ſuch priſoner to be brought up: and by ſuch aſſignment all the priſoner's effects ſhall be veſted in the creditors to whom the ſame are aſſigned, in truſt as aforeſaid; and if any overplus remain after payment of the debt, or damages, and coſts, due to any creditors at whoſe ſuit ſuch priſoner is diſcharged, and all charges of getting in ſuch effects, the ſame ſhall be paid to ſuch priſoner, his executors, adminiſtrators, or aſſigns. And upon every ſuch aſſignment by ſuch priſoner, to the ſatisfaction of the court, judge of aſſize or juſtice of great ſeſſions, before whom the ſame is made, ſuch priſoner ſhall by ſuch court or judge be diſcharged in the actions of the creditors who require ſuch priſoner to be brought up, and in the actions of every other creditor ſigning ſuch conſent as aforeſaid, with the ſame benefit of making uſe of ſuch diſcharge, as is before provided for priſoners ſeeking and obtaining their diſcharge under the proviſions in the former part of this act; and no greater fee than 2 *s.* 6 *d.* ſhall be taken for ſuch diſcharge by all or any officers of any ſuch courts, aſſizes, or great ſeſſions; and no ſtamp ſhall be neceſſary on ſuch aſſignment, or any rule made for ſuch diſcharge. But all the future effects of ſuch priſoner (except the neceſſary wearing apparel and bedding of ſuch priſoner and his family, and the tools of his trade) ſhall be liable to his debts, if not fully paid from his eſtate aſſigned as aforeſaid; and no advantage ſhall be taken in any action hereafter commenced againſt ſuch priſoner, his heirs, executors, or adminiſtrators, for that the cauſe of action did not accrue within ſix years next before the commencing of ſuch action, unleſs ſuch priſoner was intitled to ſuch advantage before he ſtood charged by the original action; and in ſuch caſe the ſame may be pleaded by ſuch priſoner his heirs, *&c.* And if any priſoner charged in execution and required to be brought up as aforeſaid, neglect to deliver in and ſubſcribe ſuch account of his effects in ſuch court, *&c.* within the time before appointed or within 60 days then next following, without making appear ſome juſt excuſe to be allowed of by the court, *&c.* or refuſe to aſſign his effects, he ſo

offending

offending and convicted upon indictment, ſhall be tranſported to ſome of the plantations in *America*, for ſeven years. And if ſuch priſoner deliver in a falſe account of his effects, or deſignedly conceal, and not inſert in the account any ſecurities or writings relating to his effects, with intent to defraud his creditors, and be convicted on indictment, he ſhall ſuffer the pains and penalties by law inflicted on perſons convicted of wilful perjury.

CLXXII. *Sect.* 18. If any perſon taking any oath by this act required, upon any indictment for perjury be convicted by confeſſion or verdict, he ſhall ſuffer the pains and forfeitures by law inflicted on perſons convicted of wilful perjury; and ſhall be liable to be taken on any proceſs *de novo*, and charged in execution for the ſaid debt, as if he had not been diſcharged, or not charged in execution before, and ſhall never after have the benefit of this act.

CLXXIII. *Sect.* 19. If the effects of any priſoner aſſigned in purſuance of this act, extend not to ſatisfy the whole debt and the fees to the gaoler, ſuch gaoler ſhall only receive a proportionable dividend in reſpect of ſuch fees *pro rata* with the other creditors.

CLXXIV. *Sect.* 20. The priſoner ſo diſcharged ſhall never after be arreſted for the ſame debts; nor ſhall any action of debt be brought againſt him on any ſuch judgement, unleſs he be under this act convicted of wilful perjury. But notwithſtanding any diſcharge by this act for the perſon of ſuch priſoner, the judgement againſt him ſhall continue in force, and execution may at any time be taken out thereon againſt the lands or goods of ſuch priſoner, except the neceſſary wearing apparel and bedding for himſelf and family, and the tools for his trade not exceeding 10*l.* in value.

CLXXV. *Sect.* 21. Any aſſignee to whom by virtue of this act the effects of any priſoner diſcharged by this act be aſſigned, is impowered to make compoſition with any debtors or accountants to ſuch priſoner, where the ſame appears reaſonable, and to take ſuch part of any debt as can be gotten in full diſcharge of ſuch debt or account; and alſo to ſubmit any difference concerning ſuch priſoner's effects, or in reſpect of any debt to ſuch priſoner, to the determination of arbitrators choſen by the aſſignees, and the parties with whom ſuch difference is, and if ſuch arbitrators cannot agree, then to the determination of any umpire choſen by them, or otherwiſe to ſettle the matter in difference between them, as ſuch aſſignees think fit; and the ſame ſhall be binding, as well to all other of the priſoner's creditors who have charged him in cuſtody or execution, as to ſuch priſoner: and every ſuch aſſignee is indemnified for what he fairly does in the premiſſes according to this act.

CLXXVI. *Sect.* 22. It ſhall be lawful for the reſpective courts at *Weſtminſter*, from whence any proceſs iſſued upon which ſuch priſoner was charged in execution, whoſe effects are aſſigned; or where ſuch priſoner is charged in execution by proceſs iſſued out of any other court, it ſhall be lawful for the judges of the *King's Bench*, *Common Pleas*, and *Exchequer*, or any one of them, on the petition of any creditor having charged ſuch priſoner in execution, or of ſuch priſoner complaining of any fraud or miſbehaviour of any ſuch aſſignee, to order the parties concerned to attend ſuch court or judge at ſome certain time in ſuch order mentioned; and every ſuch court at *Weſtminſter*, and every judge thereof, is hereby authorized to make ſuch order in the premiſſes, either for the diſplacing ſuch aſſignee and appointing a new aſſignee, or for the prudent management of the ſaid effects, for the benefit of the creditors, as any of the ſaid courts or judges think fit; and in caſe of the diſplacing of an aſſignee, and the appointing of a new aſſignee, the effects of ſuch priſoner ſhall from thenceforth be diveſted out of the aſſignee ſo removed, and be veſted in and delivered over to the new aſſignee, in the ſame manner, and for the like purpoſes, as the ſame were before veſted in the former aſſignee.

CLXXVII. *Sect.* 23. Where mutual credit ſhall have been given between any priſoner diſcharged under this act, and any other perſon before the delivery of any ſchedule of the effects of ſuch priſoner upon oath; the aſſignees of ſuch priſoner ſhall ſtate an account between them; and nothing more ſhall be veſted by aſſignment made in purſuance of this act, as effects of ſuch priſoner, than what appears due to him for the ballance of ſuch account.

CLXXVIII. *Sect.*

CLXXVIII. *Sect.* 24. No perſon who hath taken or ſhall take the benefit of any act for the relief of inſolvent debtors, ſhall have any benefit under this act, or be deemed within the meaning hereof, ſo as to gain any diſcharge, unleſs compelled by any creditor to deliver up his effects.

CLXXIX. *Sect.* 25. This ſhall not extend to *Scotland*. *See* **Arreſts, Debt.**

Recoveries.

XI. **Stat.** 14 *Geo.* 2. *cap.* 20. *ſect.* 1. All common recoveries in the court of common pleas at *Weſtminſter*, or in any court of record in *Wales*, or in any counties palatine, or in any other court having juriſdiction, of any honors, caſtles, manors, lands, tenements, or hereditaments, without any ſurrender of a leaſe for one or more lives under particular rents reſerved, or without the concurrence of, or any conveyance from ſuch leſſee, or other perſon claiming under ſuch leſſee, in order to make good tenants to the writs of entry, ſhall be as effectual in law as if ſuch leſſee had conveyed or joined in conveying a good eſtate of freehold to the tenant to the writ of entry.

XII. *Sect.* 2. Nothing in this act ſhall make any common recoveries valid, unleſs the perſon intitled to the firſt eſtate for life, or other greater eſtate (in caſe there be no ſuch eſtate for life in reverſion or remainder next after the expiration of ſuch leaſes) has by ſome lawful act conveyed or joined in conveying an eſtate for life to the tenant to the writ of entry, or other writs whereupon ſuch common recoveries are ſuffered.

XIII. *Sect.* 3. Nothing in this act ſhall prejudice the eſtate of ſuch leſſee or any perſon claiming under ſuch leſſee.

XIV. *Sect.* 4. Where any perſon hath purchaſed for a valuable conſideration any eſtate in lands or hereditaments, whereof a recovery is neceſſary to be ſuffered to compleat the title, ſuch perſon and all claiming under him having been in poſſeſſion from the time of ſuch purchaſe, may after the end of 20 years, produce in evidence the deed making a tenant to the writ of entry or other writ for ſuffering a common recovery, and declaring the uſes of a recovery, and the deed ſo produced (the execution thereof being proved) ſhall be deemed good evidence for ſuch purchaſer and thoſe claiming under him, that ſuch recovery was ſuffered according to ſuch deed, in caſe no record can be found of ſuch recovery, or the ſame ſhall appear not to be regularly entered on record; provided the perſon making ſuch deed and declaring the uſes of a common recovery had a ſufficient eſtate and power to make a tenant to ſuch writ and to ſuffer ſuch common recovery.

XV. *Sect.* 5. Every common recovery ſhall after 20 years from the ſuffering thereof, be deemed valid, if it appears upon the face of ſuch recovery, that there was a tenant to the writ; and if the perſons joining in ſuch recovery had a ſufficient eſtate and power to ſuffer the ſame, notwithſtanding the deed or deeds for making the tenant to ſuch writ ſhould be loſt or not appear.

XVI. *Sect.* 6. Every recovery ſhall be deemed valid, notwithſtanding the fine, or deed making the tenant to ſuch writ, ſhould be levied or executed after the time of the judgement given in ſuch recovery, and the award of the writ of ſeiſin; provided the ſame appear to be levied or executed before the end of the term, great ſeſſion, ſeſſion, or aſſizes, in which ſuch recovery was ſuffered, and the perſons joining in ſuch recovery had a ſufficient eſtate and power to ſuffer the ſame.

XVII. *Sect.* 7. Nothing in this act ſhall make any common recovery heretofore ſuffered valid, which has been avoided by any lawful act, or which ſhall be avoided by entry before the 16th of *January* 1740, or by judgement or decree upon ſome ſuit at law or in equity commenced before the ſaid 16th of *January*, but every ſuch common recovery ſhall be of ſuch force only as the ſame would have been if this act had never been made.

XVIII. *Sect.* 8. Nothing in this act ſhall prejudice any queſtion of law which may ariſe upon common recoveries not remedied by this act; but all ſuch common recoveries ſhall be of ſuch force as the ſame would have been if this act had never been made.

Recuſants.

CXXVIII. **Stat.** 16 *Geo.* 2. *cap.* 30. *ſect.* 3. Whereas by the 25 *Car.* 2. *cap.* 2. Par. CXVI. it is enacted, that all perſons that ſhall be admitted into any office, or ſhall receive any pay, *&c.* by reaſon of any grant of his Majeſty, or have command or place of truſt under his Majeſty, in *England*, *Wales*, *Berwick*, or in the navy, or in *Jerſey* or *Guernſey*, ſhall receive the ſacrament of the Lord's ſupper within three months after their admittance, in ſome public church upon ſome *Sunday* immediately after divine ſervice and ſermon; which time is found to be too ſhort; be it enacted, that all ſuch perſons ſhall receive the ſacrament of the Lord's ſupper according to the uſage of the church of *England* within ſix months after their admittance in, or receiving their ſaid employment, in ſome public church, upon ſome *Sunday*, immediately after divine ſervice and ſermon.

CXXIX. *Sect.* 4. All perſons that neglect to receive the ſacrament according to the direction of this act, ſhall be liable to all ſuch diſabilities and forfeitures, as by the ſaid act of 25 *Car.* 2. *cap.* 2.

CXXX. *Sect.* 5. This act ſhall not reſtore any perſon to any office already avoided by judgement of any court of record, or already filled up by another perſon. *See* **King, Oaths, Papiſts, Rome, Service and ſacraments.**

Regiſter.

LIX. **Stat.** 25 *Geo.* 2. *cap.* 4. *ſect.* 1. The deputy or ſecondary of the chief clerk to inroll pleas in the *King's bench*, called *The maſter of the* King's bench *office*, ſhall be one of the regiſters of the office for the things contained in the 7 *Ann. cap.* 20. Par. XL. inſtead of the chief clerk to inroll the pleas in the *King's bench*, with the like powers as by the ſaid act are given to ſuch chief clerk; and the chief clerk ſhall be diſcharged from being one of the regiſters for inrolling ſuch deeds, *&c.* for the county of *Middleſex* as are mentioned in the ſaid act, and from any diſability which ſuch chief clerk as one of the ſaid regiſters, would have been ſubject to.

LX. *Sect.* 2. Such ſecondary called *The Maſter of the* King's bench *office* ſhall before he enters upon the ſaid office of one of ſuch regiſters, take the oath preſcribed by the ſaid act; and enter into ſuch recognizance as therein mentioned, and be liable to ſuch penalties for miſbehaviour as any of the other regiſters are ſubject to.

LXI. *Sect.* 3. This act ſhall be a public act.

Rivers.

LXXXIII. **Stat.** 24 *Geo.* 2. *cap.* 8. *ſect.* 1. Every perſon who ſhall be aſſeſſed and pay towards any future land-tax in *Great Britain*, for lands or hereditaments of the yearly value of 100 *l.* in any of the counties of *Middleſex*, *Surry*, *Berks*, *Bucks*, *Oxon*, *Glouceſter* and *Wilts*; and the vice chancellor, and heads of colleges and halls in the univerſity of *Oxford*; and the mayor or chief officer of the corporation and borough towns, lying upon the rivers of *Thames* and *Iſis* ſhall be commiſſioners for putting in execution this act; and every commiſſioner before he acts (other than adminiſtring the oath following to one another, which any two of them are to do) ſhall take and ſubſcribe the following oath:

I A. B. *do ſwear, that I will without favour or affection, truly, faithfully, and impartially execute, perform, and diſcharge the office and duty of a commiſſioner, according to the powers, authorities, and directions given and eſtabliſhed by an act of Parliament,* (intitled, An act for the better carrying on and regulating the navigation of the rivers *Thames* and

and *Iſis*, from the city of *London* weſtward, to the town of *Cricklade* in the county of *Wilts*) *according to the beſt of my ſkill and knowledge.*

So help me God.

Which oath ſo ſubſcribed ſhall be kept by the clerk of the peace among the records of the ſeſſions for the reſpective counties.

LXXXIV. *Sect.* 2. The commiſſioners or ſeven of them ſhall hold a general meeting upon the firſt *Tueſday* in *July* in every year at the town hall in *Oxford*, and another on the firſt *Tueſday* in *September* in every year at the town hall in *Reading*, and ſhall adjourn themſelves from place to place within the counties of *Middleſex*, *Surry*, *Berks*, *Buckingham*, *Oxford*, *Glouceſter*, and *Wilts*, and near to the ſame rivers, as they think proper; and the commiſſioners or five of them when no general meeting is appointed by adjournment, are to appoint general meetings within any of the counties through which the ſaid rivers run, near the ſame, upon giving 20 days notice in the *London Gazette*, and ſome other public news papers of the time and place, and the commiſſioners or ſeven of them, or the major part aſſembled at ſuch general meeting, ſhall examine any perſon touching the navigation of the ſaid rivers, or any matters in controverſy relating thereto, upon oath in theſe words:

I A. B. *do ſwear, that ſuch information or evidence as I ſhall give, ſhall be the truth, the whole truth, and nothing but the truth.*

So help me God.

and make orders for the ſettling reaſonable prices to be taken from the owners of all barges and veſſels, for the uſe of all the towing paths, gates, and bridges, by the tenants and occupiers of locks, weirs, bucks, winches, turnpikes, dams, flood-gates, and other engines, and towing-paths, in or near the rivers of *Thames* and *Iſis*, or which may affect the navigation of the ſame, or ſhall be deemed by ſeven commiſſioners uſeful thereto, between the city of *London* and town of *Cricklade* in *Wiltſhire*, and alſo make orders touching the ſizes and draughts of all veſſels navigating the ſaid rivers; and ſettle gauges on the ſides thereof, and how deep they ſhall load in different ſeaſons of the year, ſo as no veſſel draw more than four feet on the ſides, or more than four feet of water at any ſeaſon of the year; and alſo appoint other regulations concerning the navigation, and locks, *&c.* and making ſatisfaction for the damage which any owners of mills or lands may ſuſtain thereby; and concerning all barges or veſſels paſſing through; and behaviour of all bargemen and watermen, and give ſatisfaction to perſons aggrieved; as likewiſe to the owners or occupiers of grounds damaged by the neglect of the owners of ſuch locks, *&c.*

LXXXV. *Sect.* 3. Nothing herein ſhall impower the commiſſioners to alter any of the towing-paths or landing places now uſed, or to make any new towing-paths or landing-places, without the conſent of both the owner of the ground over which the towing-path, *&c.* now is, and of the owner of the ground on which ſuch towing-path, *&c.* is to be removed to.

LXXXVI. *Sect.* 4. No order made at any general meeting at the days and places directed by this act, or at any adjournment, ſhall be altered at any general meeting held in purſuance of the notice hereby directed. And it ſhall be lawful for the commiſſioners upon application at either of the general meetings prefixed by this act, or at any adjournment, to alter or repeal any order made at any former meeting, or make any new order; ſo as no ſuch alteration, *&c.* be deemed good unleſs the party applying for it give 20 days notice in writing of his intended application to every perſon whom the ſame concerns, or leave ſuch notice with the ſervant or agent of ſuch perſon.

LXXXVII. *Sect.* 5. The commiſſioners or three of them may hold a ſub-meeting in every of the counties through which the ſaid rivers run, once in every year, at ſuch times and places as the *Michaelmas* quarter ſeſſions for every of the ſaid counties are held, and have power to adjourn for the enforcing the execution of orders made at the general meetings; and at ſuch ſub-meetings the commiſſioners or three of them or the major part preſent, ſhall in a ſummary way, upon examination of the parties

and

and witneſſes upon oath in the words before directed, hear and determine all complaints and informations, and upon conviction ſhall levy ſuch fines or damages as they are impowered to ſet, or are hereby made payable, by diſtreſs and ſale by warrant directed to the conſtables, tythingmen, or other peace officers of the ſeveral liberties wherein any goods diſtrained be. Provided that every perſon againſt whom any complaint or information is made at any of the ſub-meetings ſhall have at leaſt ſix days notice under the hands of two commiſſioners.

LXXXVIII. *Sect.* 6. Any perſon whoſe fine forfeiture or damage adjudged at any of the ſub-meetings exceeds 5 *l.* may appeal to the general quarter ſeſſions, held after 10 days from the time that the party aggrieved has notice of the adjudication (but not afterwards) upon giving ſix days notice in writing of ſuch appeal to the party appealed againſt, or leaving ſuch notice at his laſt place of abode; and the quarter ſeſſions ſhall determine ſuch appeal, and give coſts to either party; and their determination ſhall be final.

LXXXIX. *Sect.* 7. The clerks of the peace for the ſeveral counties through which the ſaid rivers run, ſhall be clerks to the commiſſioners, and each of ſuch clerks or his deputy, ſhall attend the commiſſioners at ſuch meetings only as ſhall be held in the county whereof he is clerk of the peace; and ſhall be paid out of the counties ſtock ſuch ſums as ſhall be allowed by three commiſſioners, by certificate under their hands and ſeals, not exceeding 20 *s.* a day; and the treaſurers of the counties are to pay the ſame on producing ſuch certificate.

XC. *Sect.* 8. The commiſſioners or any three or the major part at their general-meetings or ſub-meetings, may appoint any number of commiſſioners not leſs than three to view any locks, *&c.* in or near the ſaid rivers; and to view all towing-paths, gates, bridges, and places proper for the fixing a water-mark at all locks, *&c.* and to inquire into the condition thereof; and to inquire by information on oath (in the words before directed) what prices have formerly been paid to the owners of ſuch locks, *&c.* or the owners of towing-paths, and the ſums that are now paid; which information ſhall be ſigned by two commiſſioners, and reported at the next general meeting, who ſhall make out ſuch order as ſeems juſt; ſix days notice in writing of ſuch informations and intended order being firſt given to the perſon whom the ſame may concern, or left at his laſt place of abode.

XCI. *Sect.* 9. The commiſſioners, or ſeven or the major part of them, ſhall at their general meetings aſſeſs the price of the carriage of goods from *London* weſtward to *Cricklade*, and back from thence to *London*, or to or from any place upon the ſaid rivers to any other place upon the ſame; and ſhall give notice in writing ſigned by the commiſſioners and publiſhed in the *London Gazette:* And if any owner of any barge or veſſel ſhall 10 days from the publiſhing ſuch notice, take for the water-carriage of any goods above the prices ſo ſet, he ſhall forfeit 5 *l.* and loſe the freight of ſuch goods; and if any perſon ſhall act contrary to any other rules made in purſuance of this act, he ſhall for every offence forfeit 5 *l.* unleſs where other penalties are herein inflicted; all which penalties ſhall be recovered in a ſummary way, by information or complaint to the commiſſioners at any of their ſub-meetings; and ſhall be applied one moiety to the informer, and the other moiety to the party aggrieved; and be levied by diſtreſs and ſale.

XCII. *Sect.* 10. No commiſſioner ſhall ſit in judgement in the execution of this act, where he is any wiſe intereſted.

XCIII. *Sect.* 11. If any perſon be aggrieved by any rules or aſſeſſments made by the commiſſioners, it ſhall be lawful for the judge or judges of aſſize, at the aſſizes for the county wherein the matter principally ariſeth, or the judge or judges of *niſi prius*, or ſitting of *niſi prius* at *Weſtminſter*, when the complaint ariſes in *Middleſex*, upon complaint within eight months after the making ſuch rules or aſſeſſments, to confirm vacate or alter the ſame.

XCIV. *Sect.* 12. The orders made by the commiſſioners ſhall remain in force, till vacated or altered by ſuch judge: But if ſuch orders affect the property of any perſon in lands or hereditaments, other than in locks, *&c.* antient towing-paths and landing-places, then ſuch orders ſhall not be in force until one month after the making; and after notice given in writing to the perſon affected thereby, or

left

left at his place of abode; and every perſon who ſhall make appeal againſt ſuch orders, ſhall within one month give notice in writing to the clerk of the commiſſioners making the rules intended to be appealed againſt; and enter into a recognizance before ſome juſtice of the county wherein the matter lies, in the penalty of 10*l.* at leaſt, to proſecute the appeal according to the notice; in which caſe the rules ſo appealed againſt ſhall not be in force, until ſuch appeal be determined; and in caſe the judge who hears the ſaid appeal determine the ſame againſt the appellant, it ſhall be lawful for ſuch judge to give coſts to the party againſt whom the appeal is made.

XCV. *Sect.* 13. All ſuch rules and aſſeſſments made by the commiſſioners, or ſeven or the major part of them, ſhall be written on parchment, and ſigned by the commiſſioners, and be printed; and the original orders ſo ſigned, ſhall be kept amongſt the records of the ſeſſions of the county, and a copy ſigned by the clerk of the peace ſhall be tranſmitted to the ſeveral clerks of the peace of the counties of *Berks* and *Oxford*, when the orders are made in other counties; all which, or copies thereof ſigned by the clerk of the peace, ſhall be evidence in any court of law or equity; and the rules and aſſeſſments ſo ſigned, or confirmed or altered on appeal, ſhall continue in force, until ſome new order or aſſeſſment ſhall be made.

XCVI. *Sect.* 14. Every barge-maſter and owner of any veſſel ſhall be anſwerable for any damage done by his barge, *&c.* or by any of the crew, or by perſons ordinarily going with the ſame, either to the goods with which ſuch veſſel is laden, or by fiſhing or ſhooting or taking or deſtroying any fiſh, fowl, or game, or to any of the locks or engines, or to any bridge, trees or grounds, upon the ſaid rivers or near thereto, either with men or horſes; and may be ſued for the ſame by action of treſpaſs or otherwiſe; and if ſuch damage was done by any perſon ordinarily employed in the barge whereof ſuch perſon was maſter or owner, ſuch maſter, *&c.* ſhall be found guilty, and the plaintiff ſhall recover his damages with coſts.

XCVII. *Sect.* 15. If any perſon belonging to any barge or veſſel navigating the ſaid rivers, ſteal, ſell, take, barter, conſume,, adulterate, or embezil, any liquor or goods, part of the freight of ſuch veſſel, and be convicted before any juſtice for the county wherein the offence is committed (who are to determine ſuch complaints in a ſummary way, and to convict the offenders either upon confeſſion or upon the evidence of one witneſs upon oath) ſuch offender ſhall forfeit 40*s.* for every offence, to any perſon who will inform; to be levied by diſtreſs and ſale: And in caſe ſuch offender have no goods, or do not upon demand pay the ſaid 40*s.* then ſuch juſtice ſhall ſend ſuch offender to the houſe of correction, to be kept to hard labour for any time not exceeding two months; and the informer ſhall be allowed the ſaid 40*s.* by the county treaſurers of the two counties between which that part of the river runs where the offence is committed in equal ſhares; and the treaſurers of ſuch counties are to pay the ſame, upon the informer's producing a certificate of the conviction under the hand of the juſtice, and that ſuch offender had no goods whereon the penalty could be levied.

XCVIII. *Sect.* 16. It ſhall be lawful for any two commiſſioners, upon the complaint of, and oath made by any of the tenants or occupiers of the meadows above, that the water runs over the water-mark, and that their meadows are in danger of being overflowed, to ſend a warrant directed to the conſtables of the pariſh or tything, or ſome neighbouring pariſh or tything, impowering them to give notice of ſuch complaint to the tenants or occupiers of the ſaid locks, *&c.* and on their refuſal to open the ſame, to compel them to open and keep open the ſame till the water is ſunk below the water-mark; and if any damage be ſuſtained by the tenants of ſuch meadows, either by the tenants of ſuch locks, *&c.* penning above the water-mark ſet by the commiſſioners, or neglecting to draw after ſuch notice, any three commiſſioners ſhall at any of their ſub-meetings within 14 days next enſuing, on proof on oath of the damage, order ſatisfaction: and if any tenant of any locks, *&c.* refuſe to pay ſuch ſums ſo ordered within 30 days after ſuch order made and notice thereof given, he ſhall forfeit 5*l.* over and above the ſum ſo ordered; to be levied by diſtreſs and ſale by warrant of three commiſſioners.

XCIX. *Sect.* 17. Whereas damages often happen to light-loaded barges by deep-loaded barges lying acroſs or aground in the ſaid rivers, it ſhall be lawful for any of the commiſſioners on view, or on complaint by the owners or navigators of ſuch light-loaded barges, to order the owners or navigators of ſuch deep-loaded barges or veſſels, by warrant under their hands, forthwith to remove ſuch obſtructions by lightening their veſſels or otherwiſe; and upon noncompliance to aſſeſs and levy by warrant directed to the conſtables or other peace officers of the pariſh wherein ſuch complaint ariſes, any penalty not exceeding 5*l.* upon the goods of the offender or the tackle belonging to his barge to be paid to the perſon ſuſtaining the damage.

C. *Sect.* 18. If it appear either by view of three commiſſioners, or on complaint upon oath to five commiſſioners, at any ſub-meeting, that any perſon hath removed any water-mark ſet by the commiſſioners, the perſon ſo removing ſhall forfeit 5*l.* to be recovered at any ſub-meeting in a ſummary way, by any perſon who will complain, and levied by diſtreſs and ſale.

CI. *Sect.* 19. It ſhall be lawful for the commiſſioners or ſeven of them at any general meeting, by order under their hands and ſeals, to cauſe the ſaid rivers or any parts thereof to be cleanſed, cleared, and ballaſted, and all obſtructions to be removed; and to defray the charges of ſuch clearing and ballaſting and removing obſtructions, as alſo to defray the incidental expences of printing and publiſhing orders, and for making a recompence to the clerks of the peace for tranſmitting duplicates of orders, and for paying ſalaries of officers, it ſhall be lawful for the commiſſioners or any ſeven of them at any general meeting to impoſe a rate to be paid by the owner of every veſſel paſſing the place ſo cleared and ballaſted; and to appoint a receiver until a ſufficient ſum be raiſed for defraying the expence thereof; and in caſe the owner of ſuch veſſel neglect to pay, it ſhall be lawful for the commiſſioners or ſeven of them by warrant directed to ſuch receiver to levy the monies ſo rated, upon the goods of the perſon ſo neglecting to pay.

CII. *Sect.* 20. The owner of all veſſels of the burden of 20 tons and upwards navigating the ſaid rivers, ſhall cauſe his name and place of abode, with the dimenſions and tonnage of his veſſel, to be ſet on ſome conſpicuous place of their reſpective veſſels; and every owner neglecting ſo to do, ſhall forfeit 40*s.* for every ſuch offence, to any perſon who will make information to the commiſſioners at any ſub-meeting; to be levied by diſtreſs and ſale, ſo as the offender be firſt convicted at a ſub-meeting.

CIII. *Sect.* 21. The commiſſioners appointed by this act ſhall be commiſſioners for regulating the navigation of that part of the river *Kennet*, between the common landing place at *Reading* and the mouth of the ſaid river *Kennet*, and all the powers by this act given to them relating to the *Thames* and *Iſis*, ſhall extend to the ſaid part of the river *Kennet*, and over all perſons and veſſels navigating the ſame, or concerned therein, and the locks and engines thereon, and the adjacent lands and tenements.

CIV. *Sect.* 22. Nothing in this act ſhall take away any juriſdiction of the city of *London*, or any other body corporate, or other perſon.

CV. *Sect.* 23 All the orders of the commiſſioners ſhall be kept by the clerks of the peace among the records of the ſeſſions of the peace in the reſpective counties where they are made; and ſuch clerks of the peace ſhall permit the ſame to be inſpected, and deliver copies, taking for the ſearches and copies reaſonable fees to be limited by the commiſſioners at their general meetings.

CVI. *Sect.* 24. This act ſhall be deemed a public act. And if any action be brought for any thing done in purſuance of this act, every ſuch action ſhall be brought in the county where the cauſe of action ariſes, and within ſix months after ſuch cauſe of action accrues; and the defendant may plead the general iſſue; and if the plaintiff be nonſuit, *&c.* the defendant ſhall recover double coſts.

CVII. *Sect.* 25. The charges of obtaining this act ſhall be paid by the treaſurers of the counties of *Middleſex*, *Surry*, *Bucks*, *Berks*, *Oxford*, *Glouceſter* and *Wilts*, through which the ſaid rivers run, in equal ſhares.

CVIII. *Sect.* 26. The 6 *&* 7 *Will.* 3. *cap.* 16. and the 3 *Geo.* 2. *cap.* 11. ſhall be repealed.

Robbery.

XLV. **Stat.** 22 *Geo.* 2. *cap.* 24. No perſon ſhall recover againſt any inhabitants of any hundred, in any action on any of the ſtatutes of hue and cry, more than 200*l.* unleſs the perſons robbed, at the time of ſuch robbery for which ſuch action is brought, be in company two at leaſt, to atteſt the truth of being ſo robbed.

XLVI. **Stat.** 22 *Geo.* 2. *cap.* 46. *ſect.* 34. No writ of execution againſt the inhabitants of any hundred on any judgment obtained by virtue of any act of parliament ſhall be levied on any particular inhabitant of ſuch hundred; but the ſheriff ſhall on receipt of every ſuch writ, cauſe the ſame to be produced to two juſtices of peace, as is directed by 8 *Geo.* 2. *cap.* 16. *ſect.* 4. and thereupon the ſaid juſtices ſhall as is directed by the ſaid act, cauſe a taxation to be made and collected for paying the coſts and damages recovered by the plaintiff, and all ſuch neceſſary expences as any inhabitant of ſuch hundred ſhall have been at in defending ſuch action, the ſame being firſt proved on oath, and the attorney's bill being firſt taxed; and the ſums ſo collected ſhall within the time by the ſaid act limited be paid to the ſheriff, and by him paid over to the perſons intitled to the ſame, without deduction or fee.

Ruſſia.

IV. **Stat.** 14 *Geo.* 2. *cap.* 36. *ſect.* 1. It ſhall be lawful for any perſon free of the *Ruſſia* company, excluſive of all others, to import into this kingdom in *Britiſh* built ſhipping navigated according to law, from any place belonging to *Ruſſia*, raw ſilk or any other goods of the growth or manufacture of *Perſia* (ſuch manufacture being made of the growth of *Perſia*) purchaſed by barter with woollen or other goods exported from *Great Britain* to *Ruſſia*, and from thence carried into *Perſia* (gold and ſilver in coin or bullion excepted) or with the produce ariſing from the ſales of ſuch goods exported to *Ruſſia* and carried into *Perſia*; upon paying or ſecuring the duties now payable for the ſame, according to ſuch rules and with ſuch allowances and under ſuch penalties as are by law preſcribed on the importation of the like goods of the produce or manufacture of *Perſia* from any port in the *Levant* ſeas, by any perſon free of the *Turkey* company, notwithſtanding 12 *Car.* 2. *cap.* 18. **Ships.**

V. *Sect.* 2. No ſilk, or other produce or manufactures of *Perſia*, ſhall be imported through *Ruſſia* by virtue of this act, unleſs the importer take an oath (or being a *Quaker* an affirmation) before the collector, cuſtomer, or comptroller of the cuſtoms at the port of importation, that to the beſt of his knowledge and belief, the ſilk and other commodities of *Perſia* contained in his entry, were purchaſed by barter with goods exported from *Great Britain* to *Ruſſia* and from thence carried into *Perſia* (not being gold or ſilver in coin or bullion) or with the produce ariſing from the ſales of ſuch goods, and not otherwiſe; and in default of taking ſuch oath, *&c.* all ſuch ſilk or other commodities of *Perſia* ſo imported from *Ruſſia*, ſhall be liable to be ſeized as if the ſame had been imported contrary to 12 *Car.* 2. *cap.* 18. **Ships.**

VI. *Sect.* 3. Nothing in this act ſhall extend to the permitting the uſing in this kingdom, any wrought ſilks or other manufactures of *Perſia* mentioned in 11 *Will.* 3. *cap.* 10. **India goods**, which may be imported by virtue hereof through *Ruſſia*; but the ſame act ſo far as it relates to the importing the ſaid goods into the port of *London* only, and to the entry thereof, and payment of the duties, and putting the ſame into warehouſes, and exporting them on ſecurity, and to the ſeizing thoſe goods, and dividing the produce of ſuch ſeizures, and keeping accounts thereof, and ſubjecting the perſons concerned to penalties, ſhall be of force, as if the ſaid act were repeated in this act.

VII. *Sect.* 4. If any doubts ariſe, whether any of the goods imported by virtue of this act, be of the growth or manufacture of *Perſia*, or not, or were imported contrary to the intent of this act, and the ſame for that reaſon be ſeized as forfeited; the proof thereof

thereof ſhall be incumbent on the importer or claimer, and not upon the officer or informer.

VIII. *Sect.* 5. If any action be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue; and if the plaintiff be nonſuited, &c. the defendant ſhall recover treble coſts.

IX. *Sect.* 6. Any thing in this act ſhall not extend to deprive the *Eaſt India* company of their powers and privileges.

X. *Sect.* 7. This ſhall be deemed a public act.

XI. **Stat.** 23 *Geo.* 2. *cap.* 34. *ſect.* 1. It ſhall be lawful for any perſon free of the *Ruſſia* company, excluſive of all others, to import into this kingdom in *Britiſh* built ſhipping navigated according to law, from any place belonging to the empire of *Ruſſia*, raw ſilk of the produce of *Perſia* purchaſed by barter with goods exported from *Great Britain* to *Ruſſia*, although the ſame be not carried from thence into *Perſia*, (gold and ſilver in coin or bullion excepted) or with the produce ariſing from the ſale of ſuch goods exported from *Great Britain* to *Ruſſia* as aforeſaid, and not otherwiſe; upon paying, or ſecuring the duties now payable for the ſame, according to the rules preſcribed on the importation of raw ſilk of the produce of *Perſia*, from any place in the *Levant* ſeas, by perſons free of the *Levant* or *Turkey* company; any thing in the 14 *Geo.* 2. *cap.* 36. or 12 *Car.* 2. *cap.* 18. notwithſtanding.

XII. *Sect.* 2. No ſilk of the produce of *Perſia*, ſhall be imported into *Great Britain*, from any of the countries belonging to the empire of *Ruſſia* by virtue of this act, unleſs the importer make oath before the collector, cuſtomer, or comptroller of the cuſtoms at the port of importation, that to the beſt of his knowledge and belief the ſilk contained in his entry was purchaſed by barter with woollen or other commodities exported from *Great Britain* to *Ruſſia*, (not being gold or ſilver in coin or bullion) or with the produce ariſing from the ſale of ſuch commodities; and in default of making ſuch oath all ſuch ſilk imported from *Ruſſia* ſhall be liable to be ſeized and forfeited, as if the ſame had been imported contrary to the 12 *Car.* 2. *cap.* 18.

XIII. *Sect.* 3. Nothing herein ſhall extend to deprive the *Eaſt India* company of any their powers and privileges.

XIV. *Sect.* 4. This act ſhall be deemed a public act.

Sail cloth.

XXVI. **Stat.** 10 *Geo.* 2. *cap.* 27. *ſect.* 5. If the collector of the cuſtoms in any port ſhall not have ſufficient money in his hands, ariſing by the additional duty of 1 *d. per* ell upon foreign ſail-cloth imported, to pay ſuch reward as ſhall be due to exporters of *Britiſh* made ſail-cloth or ſails; ſuch collector ſhall give to the perſon intitled to ſuch reward a certificate, atteſted by the controller, of what is due to ſuch perſon, certifying to the commiſſioners at *London* or *Edinburgh* reſpectively, that he hath not money in his hands ſufficient to pay the ſame; which certificate being affixed to the debentur and produced to the commiſſioners, they are required on demand by the perſon who ſhall bring the ſame, to cauſe the monies to be paid in three months, by the receivers general or caſhiers of the cuſtoms, out of the additional duty of 1 *d. per* ell aforeſaid. *See* Par. XL. & XLVI.

XXVII. **Stat.** 19 *Geo.* 2. *cap.* 27. *ſect.* 1. Every maſter of a ſhip belonging to any ſubjects, navigated with or having any foreign made ſails on board, ſhall at the time of making his entry at the cuſtom-houſe where ſuch ſhip ſhall be entred, make an entry and report upon oath of all foreign-made ſails on board ſuch ſhip, and ſhall before ſuch ſhip be cleared by the officers of the cuſtoms inwards where ſhe makes any diſcharge of her lading, pay to his Majeſty the like duties as are payable by 12 *Ann. ſt.* 1. *cap.* 16. Par. VI. for all foreign-made ſails imported by way of merchandize.

XXVIII. *Sect.* 2. Every ſuch ſail ſhall be ſtamped at the port where ſuch ſhip makes her entry in manner after-mentioned; and in caſe the maſter ſhall not make ſuch entry and pay the ſaid duty before the ſhip be cleared by the officers of the cuſtoms inwards, all

all ſuch ſails ſhall be forfeited to his Majeſty; and ſuch maſter ſhall for every ſuch offence forfeit 50 *l.* to be applied one moiety to the uſe of his Majeſty and the other moiety to the perſon who ſhall ſue for the ſame.

XXIX. *Sect.* 3. If the maſter ſhall after his report and entry made and before the ſhip is cleared by the officers of the cuſtoms inwards, declare his intention of not chooſing to pay the ſaid duty, and ſhall deliver to the officer of the cuſtoms of the port where he makes ſuch entry ſuch ſails; then ſuch ſails ſhall be forfeited to his Majeſty, and ſuch maſter ſhall not be ſubject to the penalty of 50 *l.*

XXX. *Sect.* 4. Nothing herein contained ſhall charge any captain or maſter of any ſhip coming from the *Eaſt Indies*, with any of the duties or forfeitures aforeſaid, on account of ſuch ſhip being navigated with, or having on board any foreign-made ſails *bona fide* brought from the *Eaſt Indies*.

XXXI. *Sect.* 5. All foreign made ſail-cloth or canvas, uſually entered as *Hollands Duck*, or *Vitry canvas*, fit for the making of ſails which ſhall be imported into *Great Britain* by way of merchandize, and upon the importation whereof any duties are payable, ſhall be ſtamped at the time and place of landing.

XXXII. *Sect.* 6. The commiſſioners of the cuſtoms ſhall provide ſtamps of eight inches diameter each for the ſtamping of all foreign-made ſails, and foreign-made ſail-cloth or canvas, and ſhall cauſe a proper number of the ſaid ſtamps to be ſent to the officers of the cuſtoms of every port in *Great Britain*; and the officers of every ſuch port ſhall ſtamp any foreign-made ſails and foreign-made ſail-cloth or canvas imported at the ports where they reſpectively reſide; and the ſtamps ſhall, to make the impreſſion durable, be dipped in a liquor made of red lead mixed with linſeed oil boiled; and the ſtamp therewith made ſhall expreſs the port in which ſuch ſails ſail-cloth or canvas are entered; and the commiſſioners ſhall take care that the ſtamps be ſo contrived that the impreſſion be plain and durable, and ſo as may be leaſt liable to be counterfeited; and if any perſon counterfeit any ſtamp made in purſuance of this act or the impreſſion of the ſame, upon any of the ſaid foreign-made ſail-cloth or canvas or foreign-made ſails, chargeable with any duty by this or any former act, or ſhall ſell ſuch ſail-cloth or canvas with ſuch counterfeit ſtamps, knowing the ſame to be counterfeited, thereby to defraud his Majeſty of any duties, being convicted he ſhall forfeit 50 *l.*

XXXIII. *Sect.* 7. No perſon in *Great Britain* or *America* ſhall work up into ſails or tarpawlins any foreign-made ſail-cloth or canvas not ſtamped according to this act; and in caſe any ſhall work up into ſails or tarpawlins any foreign ſail cloth or canvas other than as aforeſaid, ſuch ſails and tarpawlins ſhall be forfeited; and every perſon ſo offending and convicted upon the oath of one witneſs before a juſtice of peace for the county or place where the offence is committed, ſhall forfeit 50 *l.* for every ſail or tarpawlin by him ſo made, not being ſtamped as aforeſaid; which penalty ſhall be levied by diſtreſs and ſale of the offender's goods by warrant of two juſtices, and ſhall go to the uſe of the informer, and for want of ſuch diſtreſs it ſhall be lawful for ſuch juſtice by warrant to commit ſuch perſon to the gaol of the county or place where ſuch offence was committed, for ſix months, or until he pays the penalty.

XXXIV. *Sect.* 8. Every perſon who ſhall make up into ſails any foreign-made ſail-cloth or canvas ſhall place the ſtamps impreſſed on ſuch foreign ſail-cloth or canvas in the moſt conſpicuous part of ſuch ſails, *viz.* on the after ſide of ſuch ſails, and in ſuch manner that the number of ſtamps may appear proportionably to the number of bolts or pieces in the ſail; and in caſe any perſon make up any foreign-made ſail-cloth or canvas in any other manner, ſuch ſails ſhall be forfeited, and the offender ſhall for every offence forfeit 10 *l.*

XXXV. *Sect.* 9. No perſon ſhall alter or amend any ſail made of foreign-made ſail-cloth or canvas not ſtamped; and in caſe any perſon ſhall alter or mend any ſail not ſtamped, he ſhall for every ſail ſo altered or mended forfeit 20 *l.*

XXXVI. *Sect.* 10. Every ſail-maker in *Great Britain* and *America* ſhall affix on every new ſail a ſtamp of eight inches diameter, containing the name and place of abode of ſuch ſail-maker; which ſtamp, to make the impreſſion durable, ſhall be dipped in a liquor made with lamp black mixed with linſeed oil boiled; and in caſe any perſon

make any new ſail and deliver the ſame not ſtampt with his name and place of abode as aforeſaid, every ſuch ſail ſhall be forfeited, and he ſhall for every ſail ſo delivered not ſtamped forfeit 10 *l.*

XXXVII. *Sect.* 11. Whereas doubts have ariſen about the meaning of 9 *Geo.* 2. *cap.* 37. *ſect.* 4. Par. XIX. be it enacted, that every ſhip built in *Great Britain*, and every ſhip built in his Majeſty's plantations in *America*, ſhall upon her being firſt navigated be furniſhed with one complete ſet of new ſails *bona fide* belonging to ſuch ſhip, made of ſail cloth manufactured in *Great Britain*; and in caſe ſuch ſhip ſhall not be ſo furniſhed the maſter ſhall forfeit 50 *l.*

XXXVIII. *Sect.* 12. The penalties herein impoſed (not otherwiſe directed and applied) ſhall be recovered by action of debt, *&c.* in any court of record in *Great Britain*, or in ſuch of the plantations wherein ſuch offence ſhall be committed; in which ſuit no eſſoin, *&c.* ſhall be allowed; which forfeitures ſhall be applied one moiety to his Majeſty, and the other moiety to the perſon who ſhall ſue for the ſame.

XXXIX. *Sect.* 13. This act ſhall continue for ſeven years, from the 24th of *June* 1746, and to the end of the then next ſeſſion of parliament.

Continued to the 24th *of* June 1766, *and to the end of the next ſeſſion by* 32 Geo. 2. cap. 23. ſect. 6.

XL. **Stat.** 23 *Geo.* 2. *cap.* 21. *ſect.* 26. The fund on which the bounties on *Britiſh* made ſail-cloth are charged, having been deficient; the bounty now payable on exportation of *Britiſh* ſail-cloth out of the duty of 1 *d. per* ell on foreign ſail-cloth imported, ſhall be paid out of ſuch part of the old ſubſidies as are applicable to the payment of incidents; (after ſatisfying all payments already charged thereupon) in like manner as is directed by the acts for the payment of ſuch bounties. *See* Par. XLVI.

XLI. **Stat.** 23 *Geo.* 2. *cap.* 32. *ſect.* 1. The ſeveral duties following ſhall be paid to his Majeſty, upon all canvas or ſail-cloth of the manufacture of *Ireland* imported into *Great Britain* (on which the bounties of 4 *d.* and 2 *d.* a yard, reſpectively granted by an act of parliament in *Ireland* in the 19th year of his preſent Majeſty's reign, ſhall have been allowed) *viz.* for each yard of ſuch canvas or ſail-cloth imported of the value of 14 *d.* a yard and upwards, a duty of 4 *d.* and for each yard of ſuch canvas or ſail-cloth imported of the value of 10 *d.* a yard and under 14 *d.* a yard, a duty of 2 *d.* which duties ſhall be levied and paid, by ſuch means and under ſuch penalties, and ſhall be applied to the ſame uſes as the duties upon the importation of foreign ſail-cloth.

XLII. *Sect.* 2. No canvas or ſail-cloth ſhall be imported from *Ireland* into this kingdom but in whole bolts or pieces; and if the loops or double threads of the ſaid pieces ſo imported, which by the ſaid act of parliament in *Ireland* are directed to be part of the warp at the middle of that end of the web which is laſt in weaving, ſhall be cut off, or if ſuch pieces be ſtamped with an impreſſion importing the payment of either of the ſaid bounties, then ſuch canvas or ſail-cloth ſhall be deemed to have received the ſaid bounty, and be liable to the payment of the duties payable by this act.

XLIII. *Sect.* 3. The ſaid ſeveral duties by this act impoſed ſhall be paid on all ſuch canvas and ſail-cloth imported into *Great Britain*, for ſo long as the bounties allowed in conſequence of the ſaid act of parliament of *Ireland* ſhall continue.

XLIV. *Sect.* 4. Upon the importation of any canvas or ſail-cloth from *Ireland* into this kingdom, it ſhall be lawful for the collector, comptroller, or other proper officer of the cuſtoms, to open and examine the ſame; and if it appear that either of the ſaid bounties has been paid, and no regular entry of ſuch canvas or ſail-cloth has been made at ſuch port where the ſame was ſo imported, then all the canvas or ſail-cloth ſo omitted to be entered ſhall be forfeited and ſeized by any officer of the cuſtoms.

XLV. *Sect.* 5. If any diſpute ariſe touching the duty to be paid upon ſuch canvas or ſail-cloth, ſuch duty ſhall be aſcertained in the ſame manner and under the ſame forfeitures,

feitures, as duties upon commodities imported into this kingdom and ſubject to the payment of duties *ad valorem* are aſcertained.

XLVI. **Stat.** 26 *Geo.* 2. *cap.* 32. *ſect.* 9. The bounties on *Britiſh* made ſail-cloth inſtead of being paid in the manner in the 23 *Geo.* 2. *cap.* 21. *ſect.* 26. Par. XL. directed, ſhall be paid out of ſuch parts of the old ſubſidy as are applicable to the payment of incidents.

Salt.

CXCVI. **Stat.** 14 *Geo.* 2. *cap.* 22. *ſect.* 19. Whereas there hath been anciently an houſe in which rock-ſalt hath been refined near the ſea between *Neath* and *Swanzey*, in the county of *Glamorgan*, in *South Wales*; but the ſame is now covered with ſand, and uſeleſs; and ſalt-works have been erected at *Neath* aforeſaid, about four or five miles from the place before-mentioned; rock-ſalt may be uſed in the making ſalt from ſea water in the ſalt works at *Neath* aforeſaid; ſo as his Majeſty's duties for all the ſalt proceeding as well from the ſaid rock-ſalt as from the ſea water be duly paid.

By this ſtatute the duties upon ſalt and upon red and white herrings are continued for ſeven years. And by 18 Geo. 2. cap. 5. *the ſaid duties are further continued for ſix years.*

CXCVII. **Stat.** 26 *Geo.* 2. *cap.* 3. *ſect.* 1. Duties upon ſalt and upon red and white herrings continued by 18 *Geo.* 2. *cap.* 5. ſhall be payable unto his Majeſty for ever, ſubject to redemption by parliament; and ſhall be managed and paid in ſuch manner and under ſuch powers penalties and regulations, and with ſuch allowances for prompt payment, and for waſte on ſalt carried coaſtwiſe or to *Ireland*, and for fiſh, beef, and pork, exported, and with ſuch other allowances, and drawbacks or debentures, on account of duties paid and ſecured for ſalt exported, as are mentioned in the acts recited in the 18 *Geo.* 2. *cap.* 5. that is in 5 *W.* & *M. cap.* 7. 7 & 8 *W.* 3. *cap.* 31. 9 & 10 *W.* 3. *cap.* 44. 3 *Geo.* 2. *cap.* 20. 5 *Geo.* 2. *cap.* 6. 7 *Geo.* 2. *cap.* 6. 8 *Geo.* 2. *cap.* 12. and 14 *Geo.* 2. *cap.* 22. or in any other act now in force.

CXCVIII. *Sect.* 2. Provided that the duties on ſalt ariſing in *Scotland* ſhall be ſubject to the ſame or the like charges as they were ſubject to by 5 *Geo.* 1. *cap.* 20. **Scotland** *Funds.*

CXCIX. *Sect.* 3. After all the orders of loan made in purſuance of the 18 *Geo.* 2. *cap.* 5. together with all intereſt due thereupon ſhall be diſcharged or money ſufficient reſerved for that purpoſe, all the monies which ſhall ariſe, as well of the ſaid duties by the ſaid 18 *Geo.* 2. *cap.* 5. continued, as of the duties by this act granted and made perpetual, ſhall be carried to the *Sinking Fund.*

CC. **Stat.** 26 *Geo.* 2. *cap.* 32. *ſect.* 6. Where any ſalt or rock-ſalt hath been or ſhall be loſt in carrying the ſame down any river in order to be ſhipt for exportation, or hath been or ſhall be loſt in the port after the ſame is ſhipt and before the exporter is intitled to a debentur, and proof thereof hath been or ſhall be made as directed by 2 & 3 *Ann. cap.* 14. & 8 *Geo.* 1. *cap.* 4. the certificate for all ſuch ſalt or rock-ſalt loſt ſhall be applied by the collector of the duties on ſalt for the place where the duty on ſuch ſalt or rock-ſalt is ſecured, to diſcharge the ſecurity given for the duty of ſo much ſalt as ſhall appear by ſuch certificate to have been loſt.

CCI. *Sect.* 7. The ſix months limited by 4 & 5 *Ann. cap.* 12. *ſect.* 11. Par. CI. *for making proof that any ſalt or rock-ſalt ſhipped for exportation to* Ireland *hath been loſt by ſinking of the ſhip, or been taken by enemies, ſhall be enlarged to two years.*

By 29 Geo. 2. cap. 23. ſect. 15. *ſo much of* 5 Geo. 2. cap. 6. *as relates to the importation of white herrings from* Scotland *into* England, *viz.* ſect. 6 & 7 *is repealed.*

Scotland.

Alehouſes.

I. **Stat.** 29 *Geo.* 2. *cap.* 12. *ſect.* 10. In every royal borough, and in every ſhire and ſtewartry in *Scotland*, no perſon ſhall keep any ale-houſe, tippling-houſe, or victualling-houſe, or ſell ale, beer, or other exciſeable liquors by retail, but ſuch only who ſhall be annually thereto licenſed according to the directions in this act.

II. *Sect.* 11. The juſtices of peace in each ſhire and ſtewartry in *Scotland* ſhall annually aſſemble on the 1st of *November*, or on the next lawful day thereafter, at the hour and place when and where the general quarter-ſeſſions for ſuch ſhire, *&c.* have uſually been held, to licenſe for the year then next enſuing ſuch and ſo many perſons as the major part of the juſtices then aſſembled think convenient, to keep ale-houſes, tippling-houſes, victualling-houſes, or to ſell ale, beer or other exciſeable liquors by retail, within ſuch reſpective ſhire or ſtewartry, or in the event hereafter mentioned within any royal borough in ſuch ſhire, *&c.* and the ſaid juſtices ſhall cauſe to be delivered to each perſon ſo licenſed a licenſe written or printed upon vellum, parchment or paper, ſtampt with a ſtamp denoting the payment of the duty of 20*s.* and ſigned by the praeſes of the ſaid meeting, and by the clerk of the peace of the ſaid ſhire, *&c.* for each of which licences there ſhall be paid 1*s.* to the clerk of the peace for his fee, over and above the 20*s.* for the ſtamp-duty and no greater ſum ſhall be paid for each licence.

III. *Sect.* 12. The magiſtrates of each royal borough ſhall yearly on the 25th of *October*, or the next lawful day thereafter, aſſemble at the time and place when and where they uſually have met for tranſacting the buſineſs of ſuch royal borough; and they or two of them ſhall at ſuch annual meeting licenſe for the year then next enſuing ſuch and ſo many perſons as they or two of them think convenient, to keep ale-houſes, *&c.* or to ſell ale, *&c.* by retail, within every ſuch royal borough and the royalty thereof; and the ſaid magiſtrates ſhall cauſe to be delivered to each perſon ſo licenſed a licence written or printed upon vellum, *&c.* ſtampt with a ſtamp denoting the payment of the duty of 20*s.* and ſigned by two of the ſaid magiſtrates, and by the clerk of ſuch royal borough; for each of which licences the fee of 1*s.* over and above the 20*s.* and no more ſhall be paid.

IV. *Sect.* 13. If in any royal borough there ſhall not be a ſufficient number of magiſtrates capable to grant licences purſuant to this act, at any of the times when licences for ale-houſes, *&c.* in the royal boroughs are to be granted, then it ſhall be lawful for the juſtices of peace of the ſhire or ſtewartry in which ſuch royal borough is ſituated, to grant licences for ſuch royal borough at the ſame time and in the ſame manner as they do for the ſhire or ſtewartry; and all licences ſo granted for royal boroughs by juſtices of peace ſhall continue in force until the next annual day for granting licences.

V. *Sect.* 14. Every perſon who in royal boroughs, or in ſhires and ſtewartries, ſhall keep an ale houſe, tippling-houſe, or victualling-houſe, or ſhall ſell ale, beer, or other exciſeable liquors by retail, without being licenſed according to this act, and ſhall be convicted within one month after ſuch offence committed, on confeſſion or the oath of one witneſs, by any two juſtices of peace of the ſhire or ſtewartry, or by any two magiſtrates in any royal borough where ſuch offender ſhall reſide or be licenſed, every ſuch offender ſhall forfeit for the firſt offence 5*s.* for the ſecond offence 10*s.* and for the third offence 20*s.* and ſhall after the third offence be incapable of keeping an ale-houſe, *&c.* or of ſelling ale, *&c.* by retail, by virtue of any licence granted before ſuch conviction, or of having any licence thereafter; and if any ſuch offender continue to commit any of the ſaid offences, he ſhall for every offence ſubſequent to his third conviction forfeit 40*s.* all which penalties ſhall be levied by diſtreſs and ſale of goods by warrant ſigned by the juſtices or magiſtrates who convict ſuch offender; which penalties ſhall be applied one half to the informer, and the other half to the poor of the pariſh where ſuch offence is committed; and ſuch conviction ſigned by the ſaid two juſtices or magiſtrates ſhall be good in law; and the ſaid

juſtices

juſtices or magiſtrates ſhall immediately after the conviction is ſigned intimate the ſaid conviction to the perſon convicted, and ſhall certify the ſame and the proceedings therein to the clerk of the peace of the ſhire or ſtewartry in which they act, or in which the royal borough is ſituated, to be by the ſaid clerk preſerved amongſt the records of the ſaid ſhire or ſtewartry.

VI. *Sect.* 15. Any perſon aggrieved by ſuch conviction may within two days after ſuch conviction intimated to him appeal to the next quarter-ſeſſions or adjournment thereof for the ſhire or ſtewartry where ſuch offence is committed or wherein ſuch royal borough is ſituated; and the juſtices of peace at ſuch ſeſſions are to determine ſuch appeals, and to give and cauſe to be executed ſuch judgment as the juſtices or magiſtrates from whom the caſe is appealed ought to have given.

VII. *Sect.* 16. The perſon appealing ſhall with all ſpeed, and before the meeting of the ſaid quarter-ſeſſions or adjournment leave his reaſons of appeal in writing with the clerk of the peace of the ſhire or ſtewartry, and with effect proſecute ſuch appeal; and the clerk of the peace ſhall at the quarter-ſeſſions, *&c.* produce all convictions and reaſons of appeal certified to him, or left with him ſince the laſt quarter-ſeſſions or adjournment, and ſhall upon reaſonable notice deliver to any perſon requiring the ſame a copy of ſuch conviction or reaſons of appeal; for each copy whereof the fee of 6*d.* and no more ſhall be paid.

VIII. *Sect.* 17. It ſhall be lawful for the juſtices of peace at the ſaid quarter-ſeſſions or adjournment, if they judge any appeal to be frivolous, to order the party appealing to pay any ſum not exceeding 20*s.* over and above the penalties before-mentioned, to be applied in ſuch manner as the ſaid juſtices ſhall direct; and the judgment of the juſtices at the quarter-ſeſſions or adjournment ſhall be final.

IX. *Sect.* 18. No juſtice of peace or magiſtrate in any ſhire, ſtewartry, or royal borough, in *Scotland*, who is a brewer, malſter, diſtiller, or retailer of ale, beer, or other exciſeable liquors, or is concerned in partnerſhip, or otherwiſe with any brewer, *&c.* at any time when any of the powers in this act are to be executed, ſhall act in any of the meetings for granting licences, or ſhall convict or join in any conviction, or in the determination of any appeal directed by this act. And every juſtice of peace or magiſtrate who ſhall offend in any of the premiſſes, ſhall for every ſuch offence forfeit 50*l.* to be recovered by any perſon who will ſue for the ſame within ſix months after ſuch offence committed, by action, bill, plaint, or information in the court of exchequer in *Scotland*; in which no eſſoin, protection, wager of law, or more than one imparlance ſhall be allowed: which penalty of 50*l.* ſhall be paid, one moiety to the perſon who ſues for the ſame, and the other moiety to the collector of the ceſs for the ſhire or ſtewartry within which ſuch juſtice or magiſtrate has offended, to be applied for the reparation of the highways or bridges.

X. *Sect.* 19. Nothing in this act ſhall charge any licence for keeping any alehouſe, tippling-houſe, victualling-houſe, or place for the ſale of ale, beer, and other exciſeable liquors by retail, upon or near the King's military roads in *Scotland*, not being within any royal borough, nor within the burghs of *Dumblain*, *Muthill*, *Crief*, *Dunheld*, or within one mile of any of the ſaid royal boroughs or burghs, with any duty hereby directed to be paid, but all ſuch licences ſhall be granted and delivered by the juſtices of peace of the reſpective ſhires and ſtewartries, where ſuch roads lie, upon the payment of 1*s.* for each licence to the clerk of the peace of ſuch ſhire or ſtewartry for his trouble only.

Arms.

I. **Stat.** 19 *Geo.* 2. *cap.* 39. *ſect.* 1. After the 1st of *Auguſt* 1746. it ſhall be lawful for the lords lieutenants in *Scotland* within the ſhire of *Dunbartain* on the north ſide of the water of *Leven*, *Stirling* on the north ſide of the river of *Forth*, *Perth*, *Kincardin*, *Aberdeen*, *Inverneſs*, *Nairn*, *Cromarty*, *Argyle*, *Forfar*, *Bamff*, *Sutherland*, *Caithneſs*, *Elgine*, and *Roſs*, and for ſuch other perſons as his Majeſty ſhall by his ſign manual authorize, to iſſue letters of ſummons in his Majeſty's name and under their reſpective hands and ſeals, directed to perſons within the ſaid ſhires and bounds, commanding all perſons therein named or inhabiting within the limits therein deſcribed, to bring in

and deliver up at a certain day and place all their arms and warlike weapons, unto ſuch lord lieutenant or other perſon appointed by his Majeſty for the uſe of his Majeſty, and to be diſpoſed of as his Majeſty ſhall appoint. And if any perſon in ſuch ſummons mentioned or inhabiting within the limits thereof deſcribed, ſhall by oath of one witneſs be convicted of having any arms or warlike weapons after the day prefixed in ſuch ſummons, before any juſtice of peace for the ſhire or ſtewartry where ſuch offender reſides or is apprehended, or before the judge ordinary, or ſuch other perſon as his Majeſty ſhall appoint, every perſon ſo convicted ſhall forfeit 15 *l.* ſterling, and be committed to priſon until payment: and if he neglect to make payment within one calendar month from the date of ſuch conviction, it ſhall be lawful to any juſtice of peace, or to the judge ordinary of the place where ſuch offender is impriſoned, in caſe he judges ſuch offender fit to ſerve his Majeſty as a ſoldier, to cauſe him to be delivered over to ſuch officer belonging to the forces of his Majeſty who ſhall be appointed to receive ſuch men, to ſerve as ſoldiers in *America*: and ſuch officer ſhall then cauſe the articles of war againſt mutiny and deſertion to be read to him in the preſence of ſuch juſtice of peace or judge ordinary; who ſhall cauſe an entry thereof to be made together with the names of the perſons ſo delivered over, with a certificate thereof under his hand to be delivered to the officer; and after reading the ſaid articles of war every ſuch perſon ſo delivered over to ſuch officer ſhall be deemed a liſted ſoldier and be ſubject to the diſcipline of war, and in caſe of deſertion be puniſhed as a deſerter: and in caſe ſuch offender be not judged fit to ſerve his majeſty, then he ſhall be impriſoned for ſix calendar months and until he gives ſecurity for his good behaviour for two years from the giving thereof.

II. *Sect.* 2. All perſons ſummoned to deliver up their arms who ſhall conceal any arms, or be acceſſary to the concealing of ſuch arms, and ſhall be thereof convicted by oath of one witneſs before any juſtice of peace, judge ordinary, or other perſon authorized by his Majeſty, ſhall be fined in any ſum not exceeding 100*l.* ſterling, nor under 15*l.* ſterling, and be committed to priſon until payment: and if the perſon ſo convicted being a man neglect to pay the fine within one calendar month from the conviction, he ſhall if he be judged fit be delivered over to ſerve as a ſoldier in *America*, and if he be not judged fit he ſhall be impriſoned for ſix calendar months, and until he give ſecurity for his good behaviour for two years; and if the perſon convicted be a woman, ſhe ſhall over and above the foreſaid fine and impriſonment till payment ſuffer impriſonment for ſix calendar months within the *Tolbooth* of the head burgh of the ſhire or ſtewartry within which ſhe is convicted.

III. *Sect.* 3. If after the day appointed by any ſummons for delivering up arms, any arms be found concealed in any dwelling-houſe, barn, out-houſe, office, or other houſe being the reſidence of or belonging to any of the perſons ſummoned the tenant or poſſeſſor of ſuch houſe or of the houſe to which ſuch barn, *&c.* belongs, being convicted ſhall be deemed to be the haver and concealer of ſuch arms, and ſhall ſuffer the penalties enacted againſt concealers of arms; unleſs he give evidence by making oath or otherwiſe to the ſatisfaction of the ſaid juſtice, *&c.* that ſuch arms were ſo concealed without his knowledge.

IV. *Sect.* 4. If any perſon convicted of any of the above offences thereafter preſume to commit the like offence a ſecond time, being convicted before any court of juſticiary, or at the circuit courts, he ſhall be liable to be tranſported to any of the plantations for ſeven years.

V. *Sect.* 5. It ſhall be lawful to his Majeſty by ſign manual to authorize ſuch perſons as he thinks proper to execute all the powers and authorities by this act given to juſtices of peace, or to the judge ordinary, as to the apprehending, trying and convicting perſons ſummoned to deliver up their arms.

VI. *Sect.* 6. The ſummons ſhall be deemed ſufficient if it expreſs the perſons commanded to deliver up their weapons, or the pariſhes or lands limits and boundings whereof the inhabitants are to be diſarmed; and it ſhall be a ſufficient execution or notice of the ſummons, if it is affixed on the door of the pariſh church within which the lands (the inhabitants whereof are to be diſarmed) lie, on any *Sunday* between ten in the forenoon and two in the afternoon four days at leaſt before the day prefixed for delivering up the arms, and on the market croſs of the head burgh of the ſhire

ſhire or ſtewartry within which the lands lie eight days before the day appointed for the delivery; and in caſe the perſon employed to affix the ſaid ſummons on the doors of the pariſh churches be interrupted, or forcibly hindered, upon oath thereof before any juſtice of peace the ſummons affixed on the market croſs of the ſaid head burgh ſhall be a ſufficient notice to all the perſons commanded thereby to deliver up their arms.

VII. *Sect.* 7. Upon the elapſing of the days prefixed for delivering up arms, the perſon employed to fix the ſummons on the market croſs of the head burghs of any ſhire or ſtewartry, ſhall before any juſtice of peace for the ſaid ſhire, *&c.* make oath that he did give notice of the ſame by affixing it as aforeſaid; and the perſon employed to affix the ſummons on the door of the pariſh church ſhall make oath to the ſame effect, or otherwiſe ſhall ſwear that he was interrupted or forcibly hindered; which oath with copies of the ſummons ſhall be delivered to the ſheriff or ſteward clerk of the ſeveral ſhires or ſtewartries within which the perſons intended to be diſarmed live who ſhall enter the ſame in books, and the ſaid books or extracts out of the ſame under the hand of the ſheriff or ſteward clerk ſhall be evidence of the execution of the ſummons in order to the conviction of the perſons who ſhall neglect to comply with the ſame.

VIII. *Sect.* 8. If any ſheriff or ſteward clerk neglect to make ſuch entry or to exhibit the books or to give extracts being required by any perſon who ſhall carry on any proſecution he ſhall forfeit his office, and be fined 50 *l.* ſterling; to be recovered upon a ſummary complaint before the court of ſeſſion for the uſe of his Majeſty.

IX. *Sect.* 9. It ſhall be lawful for the lord lieutenant of any of the ſhires aforeſaid, or the perſon authorized by his Majeſty, to ſummon perſons to deliver their arms, or for any juſtice of peace of the reſpective ſhires above-mentioned, or to the judge ordinary within their reſpective juriſdictions, or to ſuch perſon as ſhall be authorized by his Majeſty for trying offences againſt this act, to appoint ſuch perſons as they ſhall think fit to apprehend all perſons within the limits aforeſaid having or wearing any arms contrary to law, and to carry them to ſome ſure priſon, in order to their being proceeded againſt according to law.

X. *Sect.* 10. It ſhall be lawful for his Majeſty by ſign manual, and for the lord lieutenant of any of the ſhires aforeſaid, or the perſon authorized by his Majeſty, to ſummon perſons to deliver up their arms, or any juſtice of peace by warrant under his hand to appoint any perſons to enter into any houſe within the limits aforeſaid either by day or by night to ſearch for and ſeize all arms.

XI. *Sect.* 11. Provided that if the ſearch be in the night, that is between ſun-ſetting and ſun-riſing, it ſhall be made in the preſence of a conſtable or ſome perſon named in the warrant. And if five or more perſons aſſemble to obſtruct the execution of this act, it ſhall be lawful for every lord lieutenant, deputy lieutenant, or juſtice of peace and for every peace officer within ſuch ſhire or place where ſuch aſſembly ſhall be, and for every other perſon by his Majeſty authorized, to require the aſſiſtance of the forces of his Majeſty, by applying to the commanding officer, who ſhall carry the offenders before a juſtice of peace of the ſhire or place; and if the perſons aſſembled or any other perſon ſummoned to deliver up his arms be killed, maimed, or wounded in the diſperſing, and apprehending, by reaſon of their reſiſting, then every ſuch lord lieutenant, deputy lieutenant, juſtice of peace, or peace officer, and all perſons authorized by his Majeſty, and all perſons aſſiſting them, ſhall be indemnified againſt the King and againſt all other perſons for the killing, maiming, or wounding ſuch perſon.

XII. *Sect.* 12. If any action civil or criminal be brought againſt any perſon for what he ſhall lawfully do in purſuance of this act, the court ſhall allow the defendant the benefit of the indemnity above provided, and ſhall further decern the purſuer to pay the defender the expences of ſuch action or proſecution.

XIII. *Sect.* 13. This act or the 1 *Geo.* 1. *cap.* 54. ſhall not hinder any perſon whom his Majeſty by licence under his ſign manual ſhall permit to wear arms, or who ſhall be licenced to wear arms by any writing under the hand and ſeal of any perſon authorized by his Majeſty to give ſuch licence, from keeping or wearing ſuch arms as in ſuch licence ſhall be ſpecified.

XIV. *Sect.*

XIV. *Sect.* 14. After the affixing any ſummons as aforeſaid no perſon reſiding within the bounds therein mentioned ſhall be proſecuted for having or bearing arms at any time before the day prefixed by ſuch ſummons for the delivering up arms; but if any perſon neglect to deliver up his arms in obedience to ſuch ſummons or afterwards be found in arms he ſhall be liable to the penalties of the ſaid ſtatute as well as of this act.

XV. *Sect.* 15. One moiety of the penalties impoſed by this act, with reſpect to which no other proviſion is made, ſhall be to the informer, and the other moiety ſhall be at the diſpoſal of the juſtices, judge ordinary, or other perſon authorized before whom ſuch conviction ſhall happen, provided the ſame be applied towards the expence incurred in the execution of this act.

XVI. *Sect.* 16. The above proviſions ſhall continue in force for ſeven years and from thence to the end of the next ſeſſion of parliament.

Theſe proviſions together with thoſe of 21 Geo. 2. cap. 34. *are continued for ſeven years from* 1 Aug. 1753. *and to the end of the next ſeſſion by* 26 Geo. 2. cap. 29. *and for ſeven years further and to the end of the next ſeſſion by* 33 Geo. 2. cap. 26.

XVII. *Sect.* 17. After the 1st of *Auguſt* 1747, no man or boy in *Scotland*, other than officers and ſoldiers in his Majeſty's forces, ſhall wear the highland clothes, *viz.* the plaid, philebeg, or little kilt, trowſe, ſhoulder belts, or any part of what peculiarly belongs to the highland garb; and no tartan or party-coloured ſtuff ſhall be uſed for great coats or for upper coats; every perſon offending, being convicted by the oath of one witneſs before any court of juſticiary, or any juſtice of peace for the ſhire or ſtewartry, or judge ordinary of the place where ſuch offence is committed, ſhall ſuffer impriſonment, during ſix months and no longer; and being convicted for a ſecond offence before a court of juſticiary, or at the circuits, ſhall be tranſported to any of the plantations for ſeven years.

XVIII. *Sect.* 20. Such parts of the ſhire of *Dunbartain* as lie upon the eaſt weſt and north ſides of *Lochlomond* to the northward of that point where the water of *Leven* runs from *Lochlomond*, are and were intended to be diſarmed by the 1 *Geo.* 1. *cap.* 54. and by this act.

XIX. **Stat.** 20 *Geo.* 2. *cap.* 51. *ſect.* 1. The time appointed by 19 *Geo.* 2. *cap.* 39. *ſect.* 17. for laying aſide the highland dreſs, as to all who are not landed men ſhall be enlarged to the 1st of *Auguſt* 1748.

XX. **Stat.** 21 *Geo.* 2. *cap.* 34. *ſect.* 1. The lieutenants of any of the fifteen ſhires in the 19 *Geo.* 2. *cap.* 39. *ſect.* 1. named, and other perſons authorized by his Majeſty to iſſue letters of ſummons for the delivering of arms, may appoint by writing under their hands and ſeals, ſuch perſons as they think fit to receive the arms ſo to be delivered up, and the perſon appointed to receive ſuch arms ſhall tranſmit the ſame to ſuch place as ſuch lieutenant or perſon authorized ſhall direct; and every perſon obliged by the ſaid act to deliver up his arms, ſhall incur the like penalties for having and bearing arms after the day prefixed in ſuch ſummons, as for having or bearing arms contrary to the meaning of the ſaid act.

XXI. *Sect.* 2. So much of the ſaid act, whereby it is enacted, that no peers of this realm, nor their ſons, nor any members of parliament, nor any perſon who by the 1 *Geo.* 1. *cap.* 54. were allowed to have arms, ſhould be liable to be ſummoned to deliver up their arms is hereby repealed.

XXII. *Sect.* 3. The prohibition in the 1 *Geo.* 1. *cap.* 54. or 19 *Geo.* 2. *cap.* 39. or in this act, of having arms, ſhall not extend to any officers or their aſſiſtants employed in the execution of juſtice, nor to hinder any perſon qualified to vote at elections of parliament men for any of the ſaid counties, nor any heretor or life-renter poſſeſſed of an eſtate of 400 and leſs than 1000 *l.* *Scots* valued rent, to have any number of arms not exceeding three firelocks three pair of piſtols and three ſwords or cutlaſſes, nor any heretor or life-renter of an eſtate of 1000 and leſs than 3000 *l.* *Scots* valued rent to have ſeven firelocks ſeven pair of piſtols and ſeven ſwords or cutlaſſes, nor any heretor or life-renter of an eſtate of 3000 and leſs than 6000 *l.* *Scots*

Scots valued rent to have 12 firelocks 12 pair of piſtols and 12 ſwords or cutlaſſes, nor any heretor or life-renter of an eſtate of 6000 and leſs than 9000 *l. Scots* valued rent to have 20 firelocks 20 pair of piſtols and 20 ſwords or cutlaſſes, nor any heretor or life-renter of an eſtate of 9000 *l. Scots* valued rent or more, to have 30 firelocks 30 pair of piſtols and 30 ſwords or cutlaſſes, to be uſed by himſelf family or ſervants; nor to hinder the magiſtrates of any burgh royal to have a ſufficient number of arms for keeping guard; nor to hinder any perſon licenſed purſuant to 19 *Geo.* 2. *cap.* 39. from keeping the arms in ſuch licence ſpecified; nor to hinder the officers of the army and the common ſoldiers to uſe arms as formerly; nor the lieutenants of counties or their deputies or the ſenſible men under their command to keep and receive arms out of his Majeſty's magazines, and to uſe them when their militia ſhall be called out by lawful authority.

XXIII. *Sect.* 4. Perſons to whom a limited number of arms is hereby allowed ſhall upon ſummons deliver up all ſuch arms as they have over and above the number limited.

XXIV. *Sect.* 5. The arms in burghs royal ſhall be kept in the magazines under the care of the magiſtrates, and not left in private houſes, unleſs by ſpecial warrant in writing from the magiſtrates; and the number of arms in any royal burgh ſhall not exceed 200 ſtand of arms; and the ſaid lieutenants of counties, their deputies, militia, and ſenſible men under their command, ſhall return the arms received out of the King's magazines, within 20 days after the expiration of the time for which they ſhall be called out.

XXV. *Sect.* 6. No perſon by reaſon of having an income of 400 *l. Scots* valued rent, or any greater rent, or being qualified to vote at elections of parliament men, or by licence, ſhall be intitled to keep any arms, unleſs he ſhall firſt have qualified himſelf by taking and ſubſcribing the oaths of allegiance and abjuration, and ſubſcribing the aſſurance appointed to be taken by perſons in offices of public truſt in *Scotland*, either in the court of ſeſſion, court of juſticiary, or in the ſheriff or ſtewart's court of the county or ſtewartry where he reſides, or in one of the courts at *Weſtminſter*, and cauſed a certificate of his having ſo done to be regiſtered in a book to be kept in one of the ſaid courts in *Scotland*; and in caſe any ſuch perſon preſume to keep arms without having firſt qualified himſelf as aforeſaid, he ſhall forfeit the ſaid arms to his Majeſty, and 100 *l.* ſterling, to be recovered in any of the ſaid courts in *Scotland*; one moiety to the uſe of his Majeſty, and the other moiety to the perſon who ſhall ſue.

XXVI. *Sect.* 7. The time limited by 20 *Geo.* 2. *cap.* 51. for the uſe of the highland dreſs, ſhall be enlarged (as to all who are not landed men or the ſons of landed men) from the 1st of *Auguſt* 1748. till the 1st of *Auguſt* 1749.

XXVII. *Sect.* 8. Nothing in this act ſhall give liberty to any perſon to wear thoſe parts of the highland clothes called the plaid, philibeg, or little kilt, but the ſaid act ſhall, as to the plaid, philibeg, or little kilt, take place from the 20th of *December* 1748.

XXVIII. *Sect.* 9. After the ſaid 25th of *December* it ſhall be lawful for any of his Majeſty's ſubjects to apprehend all perſons wearing contrary to law the ſaid highland clothes or any part thereof, and to carry ſuch perſon before any juſtice of peace for the ſhire or ſtewartry, or judge ordinary of the place where he is apprehended, to be tried in a ſummary way.

XXIX. *Sect.* 10. Inſtead of the penalties inflicted by the 19 *Geo.* 2. *cap.* 39. it ſhall be lawful for any juſtice, or judge ordinary, to cauſe ſuch offender (not being a landed man or the ſon of a landed man) whom he ſhall judge fit to ſerve his Majeſty as a ſoldier, to be delivered to any officer belonging to his Majeſty's forces, to ſerve therein; for which purpoſe the officer who ſhall receive him, ſhall then cauſe ſo much of the articles of war as are directed to be read to perſons inliſted as ſoldiers, to be read to him in the preſence of ſuch juſtice or judge ordinary, who ſhall cauſe an entry thereof to be made together with the names of the perſons ſo delivered over, with a certificate thereof under his hand to be delivered to the ſaid officer: and after reading ſuch part of the ſaid articles of war, every perſon ſo delivered over to ſuch officer ſhall be deemed a liſted ſoldier.

XXX. **Stat.** 26 *Geo.* 2. *cap.* 29. *ſect.* 2. All the parts of the ſhire of *Stirling* lying on the north or north-weſt ſide of an imaginary ſtraight line from *Ballamachall* upon *Lock Loman* in the pariſh of *Buchanan*, to the kirk or bridge of *Aberfoyl* upon the river of *Forth*, ſhall be ſubject to the proviſions made by 1 *Geo.* 1. *cap.* 54. 19 *Geo.* 2. *cap.* 39. 21 *Geo.* 2. *cap.* 34. and by this act, in the ſame manner as if that boundary had been mentioned in the ſaid former acts relating to the diſarming the Highlands in *Scotland*.

Corn.

I. **Stat.** 14 *Geo.* 2. *cap.* 7. *ſect.* 1. The power of ſuſpending in time of dearth, the execution of the laws prohibiting the importation of victual from *Ireland* and other parts beyond the ſeas into *Scotland* which by the act 1703. *Ann. ſeſs.* 1. *cap.* 9. in the parliament of *Scotland*, was veſted in the privy council of *Scotland*, ſhall be veſted in the judges of the courts of ſeſſion, juſticiary, and exchequer in *Scotland*, and any nine of the ſaid judges in time of ſeſſion, and any five of them in the time of vacance, ſhall exerciſe the ſaid power of ſuſpenſion in as ample manner as the privy council of *Scotland* could have exerciſed the ſame, before the union, ſubject to the rules of this act. In time of dearth it ſhall be lawful for any perſon deſirous to import victual from *Ireland* or other parts beyond the ſeas into *Scotland*, to apply by a ſummary petition to the judges of the court of ſeſſion for a licence: and the ſaid judges are to make intimation thereof by tranſmitting a copy of the ſame to the clerk of the peace for every ſheriffdom or ſtewartry of *Scotland*, and to appoint a time not exceeding 15 days from the time of ſuch application, for hearing the evidence herein after directed: and in time of vacance it ſhall be lawful to apply by a ſummary petition to the judge of the court of ſeſſion who ſhall ſit upon the bills for ſuch licence for importation; who is to make intimation as aforeſaid, and to appoint a time not exceeding 20 days from the time of ſuch application for the hearing evidence concerning the premiſſes, and to ſignify to the other judges of the reſpective courts the tenor of ſuch application and the time appointed for ſuch examination: and the ſaid judges or nine of them in time of ſeſſion, and five in time of vacance, ſhall ſummon before them, in the ſeſſion court-houſe at *Edinburgh*, on the day appointed, two or more honeſt and ſubſtantial perſons of the county of *Edinburgh*, not being corn merchants nor factors for corn nor intereſted in any corn to be imported, and who ſhall each of them have a land eſtate of 400 *l. Scots per annum* valued rent, and being ſkilful in the price of corn, and ſhall then and there upon the oaths of ſuch perſons and otherwiſe examine into the common market prices of middling corn and grain and oatmeal in the county and city of *Edinburgh*, and aſcertain the ſame by a determination ſubſcribed under the hand of one of the principal clerks of ſeſſion; an authentick copy of which determination ſhall be tranſmitted to the chief officer or collector of the cuſtoms at the port of *Leith*, and ſhall be by him hung up in the cuſtom-houſe at *Leith*, and there be patent to all perſons, and may be inſpected without fee; and it ſhall be lawful for any perſon intending to import victual into *Scotland*, or deſirous to have victual imported, or for any juſtice of peace to demand an extract of ſuch determination from one of the principal clerks of ſeſſion under his hand and ſeal, paying therefore 1 *s.* and to deliver the ſame to the collector or chief officer of any port in *Scotland*, to be by him hung up and made patent: and if ſuch extract declare the current prices of victual in *Edinburgh*, to exceed the rates following, *viz.* wheat 3 *l. Scots* or 5 *s.* ſterling the *Wincheſter* buſhel conſiſting of eight *Wincheſter* gallons, bear and barley 1 *l.* 7 *s. Scots* or 2 *s.* 3 *d.* ſterling the *Wincheſter* buſhel, oats 1 *l. Scots* or 1 *s.* 8 *d.* ſterling, peaſe and beans 1 *l.* 10 *s. Scots* or 2 *s.* 6 *d.* ſterling the *Wincheſter* buſhel, and oatmeal 8 *l. Scots* or 13 *s.* 4 *d.* the bole weighing eight ſtone *Troy*, it ſhall be a ſufficient warrant to the collector and other officers of the ſeveral ports in *Scotland* to allow victual from *Ireland* or other parts beyond the ſeas to be entered and landed without paying any higher duty than is herein after mentioned.

II. *Sect.*

II. *Sect.* 2. It ſhall be lawful for the perſons hereby authorized to exerciſe the ſaid power of ſuſpenſion, once in every 30 days during ſuch ſuſpenſion by the ways before directed to examine into and determine the common prices of middling corn and grain; and if it be found that the current price of victual in *Edinburgh* ſhall not exceed the rates above mentioned, then they are by an inſtrument ſubſcribed as aforeſaid to aſcertain the ſame, and tranſmit extracts to the collectors or chief officers of all the ports in *Scotland*; which ſhall be hung up in the reſpective cuſtom-houſes, and be patent to all perſons without fee: and ſuch extracts ſhall be ſufficient notice to the collectors and other officers of the ſeveral ports in *Scotland*, that the laws prohibiting the importation of victual are again revived, and an authority for them to ſtop the entering and landing the ſame.

III. *Sect.* 3. The ſame duties ſhall be paid for any corn or grain imported in purſuance of this act, as are charged upon foreign corn imported by 22 *Car.* 2. *cap.* 13. Corn; and the ſaid duty ſhall be regulated according to the rates to be ſettled in purſuance of this act.

IV. *Sect.* 4. All the clauſes in the ſaid act of 22 *Car.* 2. *cap.* 13. and in 2 *Geo.* 2. *cap.* 18. Corn, relating to the payment and recovery of ſuch duties, which are now in force, ſhall extend to *Scotland*; and offences there committed againſt any parts of the ſaid acts relating to the ſaid duties ſhall be proſecuted in the court of ſeſſion or exchequer at *Edinburgh*.

V. Stat. 26 *Geo.* 2. *cap.* 15. *ſect.* 9. If at any time the collector of the cuſtoms at any port in *Scotland*, ſhall not have ſufficient in his hand to pay what ſhall be due to any exporter, then ſuch collector ſhall give to the perſon demanding ſuch money, without fee, a certificate under his hand of what is due, certifying to the commiſſioners of the cuſtoms at *Edinburgh* that he hath not monies ſufficient to pay the ſame; which certificate being annexed to the debentur for the corn ſo exported, and being produced to the commiſſioners of the cuſtoms at *Edinburgh*, they ſhall on demand cauſe the monies thereby due to be paid in three months, by the general receiver of the cuſtoms in *Scotland*, out of ſuch duties as are chargeable with the payment of any money for the exportation of corn, without fee.

VI. *Sect.* 10. If any debentur for the bounty on corn exported ſo payable by the general receiver of the cuſtoms in *Scotland* remain unſatisfied more than ſix months next following the day when the ſame is produced to the commiſſioners of the cuſtoms at *Edinburgh*, then intereſt after the rate of three *per cent. per ann.* ſhall be allowed to the proprietor, to be computed from the end of the ſaid ſix months until the money due on ſuch debentur with ſuch intereſt be paid; or until money ſufficient be reſerved in the hand of the general receiver of the cuſtoms in *Scotland* for that purpoſe, and like notice *as is preſcribed in* ſect. 2. *(which ſee in* Corn) ſhall be given thereof in writing to be affixed on one or more doors of ſome public places in the cuſtom-houſe at *Edinburgh*, and to be advertiſed in the *Edinburgh Currant*, that the general receiver is ready to pay the principal and intereſt due on ſuch debenturs; after the expiration of which time limited in ſuch notice if payment be not demanded all intereſt on ſuch debenturs ſhall ceaſe.

VII. *Sect.* 11. If at any time after the day prefixed by the order of the commiſſioners of the cuſtoms at *Edinburgh* for payment of any debentur produced to them, and before the end of ſix months next following the day on which the ſame is ſo produced, the general receiver of the cuſtoms in *Scotland* have money ſufficient to ſatisfy the ſame, and like notice be given that he is ready to make payment, and no demand of ſuch payment be made within the time limited then no intereſt ſhall be allowed on ſuch debenturs.

VIII. *Sect.* 12. All debenturs for corn exported payable by the general receiver of the cuſtoms in *Scotland* with the intereſt ſhall be paid in courſe, reſpect being had to the times when ſuch debenturs are produced to the commiſſioners of the cuſtoms at *Edinburgh*, without any other preference, according to the indorſement on the ſaid debentur of the day when the ſame was ſo produced; and every ſuch debentur ſhall be payable to the perſon therein named, or to his executors, adminiſtrators, or aſſigns.

Scotland.

Courts.

II. **Stat.** 32 *Geo.* 2. *cap.* 35. *ſect.* 22. There ſhall be paid in every year, out of the monies which ſhall ariſe of any duties in *Scotland*, which by 10 *Ann. cap.* 26. were charged with the payment of the ſalaries, and other charges allowed for keeping up the courts of ſeſſion, and juſticiary, and exchequer, in *Scotland*, the ſums following, to the judges after-mentioned, as an addition to their ſalaries; *viz.* 300 *l.* to the preſident of the court of ſeſſion; 300 *l.* to the chief baron of the exchequer; and 200 *l.* to each of the other judges in the ſaid courts of ſeſſion and exchequer. Which ſums ſhall be charged upon the ſaid duties, and ſhall be paid in every year at ſuch time and in ſuch manner as the ſalaries and other charges of keeping up the ſaid courts.

Edinburgh.

I. **Stat.** 25 *Geo.* 2. *cap.* 9. *ſect.* 1. The duties payable by 9 *Geo.* 1. *cap.* 14. upon all ale and beer brewed, brought in, or ſold in the city of *Edinburgh*, or ſuburbs or liberties thereof (except as in the ſaid act is excepted) and the duties thereby granted upon all ale and beer brewed, *&c.* within the pariſhes of *St. Cuthbert*, *Canon Gate*, *South* and *North Leith*, ſhall from the expiration of the term granted by the ſaid act, be further continued to the provoſt magiſtrates and council of the ſaid city of *Edinburgh* for 38 years; and ſhall be levied by the ſame means, and under the ſame penalties, and ſubject to the ſame regulations, and applicable to the ſame works and other purpoſes (except ſuch works as are already finiſhed) as are preſcribed in the ſaid act; and the ſaid act ſhall be in force from the expiration thereof for the ſaid further term of 38 years.

II. *Sect.* 2. Nothing in this act or in the 9 *Geo.* 1. *cap.* 14. ſhall ſubject to the ſaid duty any ale or beer vended within the precincts of the caſtle of *Edinburgh* for the uſe of the garriſon, or inhabitants of the ſaid caſtle.

III. *Sect.* 3. The produce of the ſaid duties ſhall in the firſt place be ſubject to pay the charges of procuring this act.

IV. *Sect.* 4. The annual payments awarded by the arbiters by virtue of 9 *Geo.* 1. *cap.* 14. to be paid to the proprietors of the pariſhes of *St. Cuthbert*, *Canon Gate*, *South* and *North Leith*, ſhall continue to be paid to the ſaid proprietors during the continuance of this act.

V. *Sect.* 5. Nothing in this act ſhall impower the perſons appointed to put the 9 *Geo.* 1. *cap.* 14. or this act in execution, or any other perſon, to borrow any further ſum, ſo as to increaſe the preſent capital debt upon the credit of the ſaid duties.

VI. *Sect.* 6. The magiſtrates and town council of the ſaid city ſhall upon the 3d *Tueſday* of *July*, 1799. make a full ſtate of all the money ariſen from the ſaid duties, and of all ſums of money laid out, and of all debts then owing on account of the ſaid former and this act; and in caſe any overplus remain, the ſame ſhall be laid out and applied with the approbation of the overſeers, as directed by the 9 *Geo.* 1. *cap.* 14.

VII. *Sect.* 7. The annual payments with which the ſaid duty is burdened, ſhall continue only till the 1st of *July*, 1799.

VIII. *Sect.* 8. This act ſhall be deemed a public act.

IX. **Stat.** 26 *Geo.* 2. *cap.* 36. *ſect.* 1. The duke of *Argyle* and others named in the act, ſhall be commiſſioners for deſigning, ordering, and cauſing to be erected or provided, in the city of *Edinburgh*, ſuch buildings as they judge proper for the keeping the public records under the care of the lord clerk regiſter, and for a proper library-houſe to the faculty of advocates, a hall for the clerks to the ſignet, a town-houſe, a hall, or borrow-room for the annual convention of the commiſſioners of the royal burrows of *Scotland* and for the uſe of the city of *Edinburgh* or other public occaſions, and a council chamber for the uſe of the magiſtrates, as alſo offices for the director of the *Chancery*, the keepers of the records of the great ſeal, the privy ſeal, and ſignet, the clerks of the ſeſſion of juſticiary and commiſſion of tiends, as alſo offices for the court of *Exchequer*, and for the general regiſter of ſeiſins, hornings, and inhibitions,

inhibitions, and for the clerks of the high court of admiralty and commiſſaries of *Edinburgh*, and for an exchange for merchants, and for making eaſy and commodious acceſs between the high ſtreet of the city and the country northward, ſouthward, and weſtward, to the utmoſt extent of the royalty of the ſaid city.

X. *Sect.* 2. In caſe of the death or reſignation of any commiſſioner, a commiſſioner ſhall be elected to ſupply ſuch vacancy in the manner preſcribed in the act.

XI. *Sect.* 3. The commiſſioners, or ſeven of them, ſhall meet at *The laigh Council Houſe* in *Edinburgh*, the 3d *Monday* in *June*, 1753. and ſhall from time to time adjourn themſelves to any place in *Edinburgh*; and if there appear not at any meeting a ſufficient number to act, the major part ſo met (though not a *Quorum*) ſhall by public notice in any of the *Edinburgh* news papers, 10 days before the next meeting, appoint the ſaid commiſſioners to meet at the ſame place within 15 days next after the day on which the meeting, when there was no *Quorum*, was appointed; and the commiſſioners ſhall at all their meetings pay their own expences.

XII. *Sect.* 4. The commiſſioners, or ſeven of them, ſhall have power to purchaſe ſuch houſes and grounds as lie on the north ſide of the high ſtreet, bounded by the entry to the *Writer's Court* on the weſt, *Fair-holm's Land* on the eaſt, the high ſtreet on the ſouth, and the *North Lock* on the north, for building an exchange.

XIII. *Sect.* 5. And, for the more commodious acceſs to the high ſtreet from the north, the commiſſioners ſhall have power to purchaſe ſuch houſes and grounds on the north of the high ſtreet bounded by *Miln's Square*, and the lower fleſh market on the weſt, *Halkerſton's Wynd* on the eaſt, the high ſtreet on the ſouth, and lord *Forglen's Park* on the north.

XIV. *Sect.* 6. And, for opening convenient entries from the high ſtreet to the ſouth, the commiſſioners, after agreeing with the owners, may cauſe a commodious paſſage to be made for wheel carriages from the high ſtreet to the cowgate, not exceeding 20 feet in breadth, beginning under the building to be erected on that area where *Elphingſton's Land* lately ſtood, and comprehending within the ſaid paſſage certain buildings mentioned in the act, and may open a ſtreet from the head of *Peeble's Wynd* on the north, to the head of *Haſtie's Cloſe* on the ſouth not exceeding ſixty feet in breadth from eaſt to weſt.

XV. *Sect.* 7. And for the more commodious acceſs to the high ſtreet from the weſt, the commiſſioners ſhall have power to purchaſe ſuch houſes and grounds as ſtretch from the *Drovers Tryſte* in a ſtraight line eaſtward to the top of *Henderſon's Stairs*, not exceeding 100 feet in breadth, and then in a ſtraight line from the top of the ſaid ſtairs to the high ſtreet at the head of *Beſs Wynd* not exceeding 40 feet in breadth.

XVI. *Sect.* 8. The magiſtrates and council of *Edinburgh* and their ſucceſſors, may aliene and diſpone to the ſaid commiſſioners or to ſuch perſons as they ſhall appoint, any houſes or lands belonging to the ſaid city, which may be proper for carrying on the ſaid works.

XVII. *Sect.* 9. The commiſſioners ſhall have power to purchaſe ſuch other houſes and grounds as they find neceſſary for carrying on the ſaid works.

XVIII. *Sect.* 10. It ſhall be lawful for all bodies politic corporate or collegiate truſtees, tutors, or curators for infants or minors, idiots, or furious perſons, or others, and for all perſons ſeiſed or intereſted in any houſes or grounds, neceſſary for the purpoſes aforeſaid, whether by titles held in fee-ſimple or taillied, to ſell and convey to the ſaid commiſſioners or to ſuch perſons as they appoint any ſuch houſes or grounds.

XIX. *Sect.* 11. Where houſes, ſhops, or grounds, under entail are purchaſed, the price ſhall by authority of the court of ſeſſion be laid out upon land or other heretable ſecurity and the rights and ſecurities taken to the ſame ſeries of heirs as in the entail. And if any proprietors, or occupiers of houſes or grounds where the exchange is to be built, or the paſſages to the ſouth weſt and north opened, refuſe to ſell, it ſhall be lawful for the commiſſioners to iſſue a warrant to the ſheriff depute of the county of *Edinburgh*, or his ſubſtitute, commanding him to impanel and return a number of ſubſtantial and diſintereſted perſons not leſs than 25 nor more than 36, out of whom a jury of 15 ſhall be choſen by the commiſſioners; which perſons ſo ſummoned and returned are to appear before the commiſſioners at the times and places in ſuch warrant appointed; and all parties concerned may have their lawful challenges againſt any of the ſaid jurymen: and the commiſſioners are by warrant under their hands to call be-

fore them all perſons proper to be examined as witneſſes, who are to produce ſuch deeds and writings as the commiſſioners think neceſſary; and may adminiſter oaths; and may authorize the ſaid jury to view the places in queſtion: and the ſaid jury upon their oaths ſhall aſſeſs fit recompence to the owners and occupiers of ſuch houſes or ground; and the commiſſioners ſhall give judgement for ſuch ſums ſo aſſeſſed; which verdicts and the judgement thereupon (notice in writing being firſt given of their meeting 20 days before to any perſon concerned, or left at his dwelling-houſe, or with ſome tenant or occupier of the tenements in caſe ſuch party cannot be found) ſhall be binding and concluſive againſt all perſons; and the ſaid verdicts judgements and other proceedings ſhall be written on a paper or parchment by the commiſſioners clerk, and ſigned by ſeven or more commiſſioners preſent at the making and pronouncing the ſame, and ſhall be recorded in the town-court books of *Edinburgh*; and the ſame or extracts thereof ſhall be good evidence in any court of law or equity.

XX. *Sect.* 12. The commiſſioners acting in the premiſſes ſhall have power to impoſe any fine not exceeding 5 *l.* of *Great Britain* on any perſons ſummoned and returned on ſuch jury who ſhall not appear, or ſhall refuſe to be ſo ſworn or to give their verdict, or in any other manner wilfully neglect their duty; and upon perſons ſummoned who ſhall neglect to appear or refuſe to be ſworn, or be examined, or refuſe to produce deeds or writings: which fines ſhall be levied in a ſummary way by diligence iſſued from the court of ſeſſion, as upon decrees of that court; and ſhall be paid to the caſhier of the bank of *Scotland*, or the royal bank of *Scotland*, and ſhall be applied by the commiſſioners to the purpoſes of this act.

XXI. *Sect.* 13. Upon payment of the ſums ſo awarded or legal tenders thereof and refuſal, or if the parties concerned have no dwelling-houſe in *Edinburgh*, upon payment into the bank of *Scotland*, or into the royal bank of *Scotland*, for the uſe of the party intereſted, and to be iſſued to him by order of the commiſſioners, and notice of ſuch payment left in writing at the dwelling-houſe of ſome tenant and occupier of the premiſſes, it ſhall be lawful for the commiſſioners and their workmen to pull down and diſpoſe of ſuch houſes and premiſſes, for the purpoſes of this act; provided notice be given to the tenants of ſuch houſes three calendar months before the term of *Whitſunday*, at which they are to be removed, by affixing a ſchedule to that effect upon the moſt patent door of ſuch houſe or delivering the ſame to the principal tenant of the ſame; which ſchedule ſhall be ordered delivered and affixed by order of the commiſſioners, and an advertiſement thereof inſerted in any of the *Edinburgh* news papers; and in caſe any diſpute ariſe between the parties intitled to different intereſt in the houſes and grounds, or in caſe the title to the ſame ſhall not appear ſufficient to the commiſſioners, then after ſuch recompence aſſeſſed and judgment thereupon, it ſhall be lawful for the commiſſioners to pay the money ſo awarded into either of the aforeſaid banks, or at the requeſt of the perſon then in poſſeſſion into the hands of the magiſtrates and town council of *Edinburgh* and their treaſurer, in the terms and upon the conditions mentioned in an act of the parliament of *Scotland*, made in 1695 intituled *Act relating to ſale and payment of bankrupts eſtates*, but with intereſt as hereafter mentioned; there to remain until the matters in diſpute be ſettled, or the title cleared up; after which the money ſhall be paid by the city of *Edinburgh* or its treaſurer with intereſt at the rate of one *per cent.* below the legal intereſt, or by the ſaid bank, or their caſhier, to the order of the commiſſioners; and after ſuch payment into either of the ſaid banks or conſignation as aforeſaid, it ſhall be lawful for the commiſſioners to pull down and diſpoſe of ſuch houſes and premiſſes; and if there be no challenge for five years, after the conſignation of ſuch price, it ſhall be lawful for the commiſſioners to iſſue their warrant in writing for payment of ſuch price and intereſt due thereon to the perſons who were in poſſeſſion as proprietors of ſuch houſes at the time they were pulled down.

XXII. *Sect.* 14. The commiſſioners ſhall have the ſole adminiſtration of the money contributed and ſubſcribed for, and may call for and employ the ſame in making purchaſes for the purpoſes aforeſaid, and take the rights and conveyances of the purchaſes to the ſaid commiſſioners or to ſuch perſons or bodies corporate as they direct, after deducting the charges of paſſing this act.

XXIII. *Sect.* 15. In all cafes where the premium for inſurance of any houſe, or other ſubject inſured with the corporation called *The* Edinburgh *friendly inſurance againſt loſſes by fire*, which ſhall be pulled down in conſequence of this act, ſhall have been paid before ſuch demolition, the ſaid premium ſhall notwithſtanding ſuch demolition remain with the ſaid corporation; and where ſuch premium ſhall be owing at the time of ſuch demolition, the ſame and all intereſt thereupon ſhall be paid out of the firſt and readieſt of the price aſſeſſed for ſuch houſe or hereditament, before demoliſhing the hereditament inſured, and notwithſtanding any diſpute concerning the title thereunto or the diſtribution of the remainder of the ſaid price.

XXIV. *Sect.* 16. If the perſon intitled to any policy of inſurance by the ſaid corporation for any ſuch demoliſhed houſe chooſe to inſure any other houſe than the ſaid corporation ſhall allow the premium paid for the demoliſhed houſe for the premium of the like value, to be inſured on ſuch other houſe.

XXV. *Sect.* 17. The commiſſioners ſhall lett ſell and diſpoſe of the buildings to be by them erected at the intended *Exchange* or elſewhere (other than thoſe that are to be rent-free) and apply the price or rents to the purpoſes of this act.

XXVI. *Sect.* 18. It ſhall be lawful for the commiſſioners to lett ſell or diſpoſe of any pieces of ground which they may be poſſeſſed of over and above what may be neceſſary for the purpoſes of this act, either together or in parcels; and to deſign and lay out in what manner the new houſes ſhall be erected, and of what extent the ſtreets and paſſages ſhall be, and to ſell the materials of houſes pulled down.

XXVII. *Sect.* 19. Provided the monies ariſing by the ſale or letting of ſuch ground, and ſelling the materials of the houſes pulled down, be employed towards the purpoſes of this act.

XXVIII. *Sect.* 20. The monies to be called for by the commiſſioners from the contributors and all other ſums of money ariſing in conſequence of this act, ſhall be paid into the bank of *Scotland*, or royal bank of *Scotland*, to be iſſued by order of the commiſſioners, for the purpoſes of this act.

XXIX. *Sect.* 21. Nothing in this act ſhall abridge or prejudice the power of the lord clerk regiſter in the cuſtody of the records committed to his care.

XXX. *Sect.* 22. The buildings to be erected for the keeping the records under the cuſtody of the lord regiſter, and for the advocates library, and hall to the clerks to the ſignet, the town-houſe or room for the convention of royal burrows and council chamber, ſhall be the property of the city of *Edinburgh*; ſubject to the uſes for which the ſame ſhall be erected, and rent free; provided that the magiſtrates and town council of *Edinburgh* ſhall uphold in good repair the ſaid buildings.

XXXI. *Sect.* 23. The commiſſioners ſhall meet at leaſt four times in every year; *viz.* on the third *Mondays* of *June July November* and *February* with power to adjourn.

XXXII. *Sect.* 24. It ſhall be lawful for the commiſſioners to determine which of the purpoſes aforeſaid ſhall be firſt carried into execution, and with power to regulate the order of carrying on the ſeveral purpoſes of this act.

XXXIII. *Sect.* 25. The commiſſioners ſhall keep a record of their proceedings, and cauſe an entry to be made of the ſums contributed; and nominate a clerk and book-keeper, and allow them a yearly ſalary not exceeding 25 *l.* of *Great Britain* to both; and ſhall before the expiration of this act cauſe their books to be ballanced; and in caſe there be any money or buildings undiſpoſed of, they ſhall appoint the purpoſes to which the ſame ſhall be applied for the further improvements of the ſaid city, and ſhall make over the ſaid excreſcence and premiſſes to the magiſtrates and council of *Edinburgh* for the uſe of the community; and the magiſtrates and council are to diſpoſe of the ſame according to the order of the commiſſioners or ſeven of them in writing under their hands, which ſhall be put upon record in the books of council and ſeſſion, or town court books of *Edinburgh*.

XXXIV. *Sect.* 26. This act is a public act.

XXXV. *Sect.* 27. This act ſhall continue in force until the third *Monday* in *June* 1765. ſo far as relates to the purchaſing of buildings and grounds; but as to all other powers and matters until the third *Monday* in *June* 1774. and to the end of the then next ſeſſion of parliament.

Scotland.

Evidence.

I. **Stat.** 21 *Geo.* 2. *cap.* 34. *ſect.* 20. In all trials in *Scotland* for theft of cattle, or the maſterful taking away or detaining the ſame, it ſhall not be allowed to be a good objection to any witneſs produced for proving the libel, that he was *ſocius criminis*, nor ſhall ſuch witneſs be liable to be proſecuted for his acceſſion to the offence which he ſhall give evidence was committed by the pannel, or that ſuch pannel was art and part thereof.

Fiſhery.

I. **Stat.** 29 *Geo.* 2. *cap.* 23. *ſect.* 1. All inhabitants of *Great Britain* ſhall when they think proper freely take, buy from fiſhermen, and cure, any herrings, cod, ling, or any other ſort of white fiſh, in every part of the ſeas or other waters where ſuch fiſh are to be found, on the coaſts of *Scotland*, and of *Orkney*, *Shetland*, and all other iſlands belonging to *Scotland*; and if any perſon obſtruct any perſon in fiſhing in moonlight nights or at any other time in any part of the ſaid ſeas or other waters, or demand any gratuity in money fiſh or otherwiſe, under the name of *Saturday's* night fiſhing, or under any other name, for the liberty of fiſhing, every ſuch perſon ſhall for every ſuch offence forfeit 100 *l.* ſterling.

II. *Sect.* 2. All perſons employed in the fiſhery on the coaſts of *Scotland*, or of *Orkney*, *Shetland*, or any of the ſaid iſlands, ſhall have the free uſe of all ports, harbours, ſhores, and forelands, in *Scotland*, or in *Orkney*, *Shetland*, or any of the ſaid iſlands, below the higheſt water mark, and for 100 yards on any uncultivated land beyond ſuch mark within the land, for landing their nets, caſks, and other ſtores, and for erecting tents and ſtages, and for the landing, pickling, curing, drying, and reloading their fiſh, without paying any foreland or other dues, or any other conſideration for ſuch liberty, except as hereafter excepted; and if any perſon demand or receive any money or other conſideration for the uſe of any ports, ſhores, or forelands, within the limits aforeſaid, ſo made uſe of, or obſtruct the perſons employed in the taking, buying, or curing of fiſh in the uſe of the ſame, every perſon ſo offending ſhall for every ſuch offence forfeit 100 *l.* ſterling.

III. *Sect.* 3. Nothing in this act ſhall exempt the veſſels employed in the ſaid fiſhery from the payment of ſuch harbour or pier duties as are and by law ought to be demanded for veſſels in piers or harbours which are artificially made, but ſuch harbour or pier dues ſhall be paid before the paſſing of this act.

IV. *Sect.* 4. The ſtaves of all barrels in which ſuch fiſh ſhall be packed ſhall be at leaſt one half of an inch in thickneſs throughout of made work; and if any barrel containing ſuch fiſh be found to be of a leſs thickneſs than one half of an inch in any part, any officer of cuſtoms or exciſe or any cure-maſter in *Scotland* are to ſeize the ſame, and upon proof before any two juſtices of peace, the owner ſhall forfeit both fiſh and barrel.

V. *Sect.* 5. It ſhall be lawful for any perſon in *Scotland* to import foreign ſalt, and to take *Britiſh* ſalt there from the ſalt-works, without paying any duty for the ſame, for curing of fiſh for exportation only, except the cuſtoms payable upon the importation of ſuch foreign ſalt; and it ſhall be lawful for any perſon in *Scotland* to uſe any ſuch foreign or *Britiſh* ſalt delivered duty-free for curing of fiſh for exportation, in the curing white herrings for home conſumption; and the 5 *Geo.* 1. *cap.* 18. & 8 *Geo.* 1. *cap.* 16. **Salt** ſo far as relates to the curing of fiſh for exportation with ſalt, without payment of duty, and to the rates allowed upon the exportation of fiſh from *England*, and to the curing of white herrings for home conſumption (except the duty of 3 *s.* 4 *d.* *per* barrel) ſhall be extended to *Scotland*.

VI. *Sect.* 6. For every barrel of white herrings containing 32 gallons, entered for home conſumption in *Scotland*, the proprietor ſhall pay a duty of 1 *s.* and ſo in proportion

portion for every half barrel; under the regulations and penalties in the laſt-mentioned act for aſcertaining and recovering the ſaid duty of 3 *s.* 4 *d. per* barrel.

VII. *Sect.* 7. It ſhall be lawful to carry from any port of *Scotland* to any port of *England* white herrings cured with *Britiſh* or foreign ſalt, the perſons bringing the ſaid herrings into *England*, *Wales* and *Berwick* paying at the port to which the ſame are brought 3 *s.* 4 *d.* for every barrel containing 32 gallons, which ſhall be entered there for home conſumption, and ſo in proportion for every half or quarter barrel.

VIII. *Sect.* 8. It ſhall be lawful to carry from any port in *Scotland* to any port of *England* for home conſumption, any ſalmon, cod, ling, tuſk, and other white fiſh, cured with ſalt made in *Scotland*, for which the duty hath been there paid or ſecured, the perſon bringing ſuch fiſh into *England*, *&c.* paying at the port to which the ſame ſhall be brought, 2 *s.* 4 *d.* for every barrel, containing 32 gallons, of ſuch fiſh wet, and ſo in proportion for a greater or leſſer quantity; and 1 *s.* 2 *d.* for every hundred weight of ſuch fiſh dry, and ſo in proportion for a greater or leſſer quantity.

IX. *Sect.* 9. It ſhall be lawful to carry from any place of *Scotland* or the iſlands thereunto belonging to any port of *England* for re-exportation, any herrings, ſalmon, cod, ling, tuſk, and other white fiſh, the owner of the fiſh, or maſter of the veſſel, making oath that ſuch fiſh was caught in *North Britain* or on the coaſt thereof, and cured with ſalt delivered duty-free from ſome part of *Great Britain*, and when and where the ſame was ſo delivered.

X. *Sect.* 10. All ſuch herrings, ſalmon, cod, ling, tuſk, and any other white fiſh, ſo brought coaſtwiſe from *Scotland* into *England*, *&c.* ſhall upon exportation to foreign parts be intitled to the ſame bounties as by 5 *Geo.* 1. *cap.* 18. are granted on the exportation of fiſh cured in *England*; ſuch fiſh being ſubject to the ſame regulations to prevent the re-landing, and the owners ſubject to the ſame penalties in caſe of re-landing or any other fraudulent proceeding.

XI. *Sect.* 11. No bounty granted by this act ſhall be paid in *England*, *&c.* but the chief officer of the cuſtoms, or his deputy, at the port from which ſuch fiſh is exported, ſhall upon the requeſt of the exporter, and oath made before the principal officers of the ſaid port of the ſhipping the ſaid fiſh and its not being relanded or intended to be re-landed in *Great Britain*, give a debentur under his hand, without fee, for payment of the ſaid bounties; which debentur being produced to the commiſſioners of the cuſtoms or of the exciſe (at the option of the exporter or his aſſigns) in *Scotland*, ſhall intitle the exporter or his aſſigns to the payment of the bounties granted by this act, which the ſaid commiſſioners are to pay, out of any money in their hands ariſing by any branch of the cuſtoms or exciſe, regard being had to the priority of the dates of the debenturs.

XII. *Sect.* 12. The proprietor of herrings, ſalmon, and white fiſh, ſhipped in any port in *Scotland* or the iſlands thereunto belonging, to be carried to *England*, *&c.* whether for home conſumption or exportation to foreign parts, or his agent, ſhall before any ſuch veſſel depart from ſuch port make an entry with the collector or other principal officer of the cuſtoms there of the fiſh ſo ſhipped, expreſſing the number of barrels of wet fiſh with the marks and numbers thereof, and the number and weight of each ſpecies of dry fiſh, and declare upon oath that the ſaid fiſh were cured in *Scotland* or on the coaſts thereof, and whether they were cured with ſalt delivered duty free or with ſalt for which the duty payable by the above mentioned act hath been paid or ſecured, and that the ſaid ſalt was taken on board from ſome place in *Great Britain*, and when and where it was put on board, and that no drawback for the ſame hath been had or intended to be had upon the exportation of the ſaid ſalt; and the ſaid collector or other principal officer of the cuſtoms ſhall deliver to the maſter of ſuch veſſel, without fee, a certificate under his hand, that ſuch entry and oath have been made; and the maſter of every veſſel wherein ſuch fiſh ſhall be ſhipped to be carried coaſtwiſe, or the proprietor or his agent, ſhall before landing the fiſh or putting it on board any other ſhip or boat in any place in *England*, *&c.* deliver the ſaid certificate to the proper officer of the cuſtoms in the port where the ſame is imported or put on board any other ſhip or boat, upon pain of forfeiting all ſuch fiſh and double the value thereof, that ſhall be imported or put on board any other ſhip or boat contrary to the meaning hereof, and the caſks; to be recovered of the importer or proprietor or

maſter of the ſhip, one moiety of all which penalties to the uſe of his Majeſty, and the other moiety to the officer who ſhall ſeize, ſue, or inform; to be levied in ſuch manner and with ſuch power of mitigation, as any fine by any law of exciſe, or by action of debt, *&c.* in any court of record at *Weſtminſter*, wherein no eſſoin, *&c.* ſhall be allowed, and all officers of the cuſtoms or duties upon ſalt are to ſeize all ſuch herrings, ſalmon, cod, ling, tuſk, or any other white fiſh, imported or put on board any other ſhip contrary to the meaning of this act, and the caſks.

XIII. *Sect.* 13. The duties charged by this act upon fiſh brought from *Scotland* or the iſlands thereunto belonging, into *England*, *&c.* ſhall be levied and diſpoſed of to the ſame purpoſes and in the ſame proportions, as the duties upon ſalt and rock ſalt and the duties upon red herrings and white herrings.

XIV. *Sect.* 14. If any perſon counterfeit raſe or alter any certificate or cocquet by this act directed to be made, or uſe any ſuch certificate or cocquet, knowing the ſame to be counterfeited raſed or altered, ſuch perſon ſhall incur the pains by law inflicted on perſons found guilty of forgery.

XV. *Sect.* 15. So much of 5 *Geo.* 2. *cap.* 6. as relates to the importation of white herrings from *Scotland* into *England* is hereby repealed.

XVI. *Sect.* 16. If any perſon falſely make any oath by this act directed and be convicted in any court of record in *Great Britain*, ſuch perſon ſhall forfeit 200 *l.* and be impriſoned for 12 months.

XVII. *Sect.* 17. The penalties in this act mentioned ſhall be proſecuted and determined by bill, *&c.* in any court of record at *Weſtminſter*, or in the court of exchequer in *Scotland* reſpectively, wherein no eſſoin, *&c.* ſhall be allowed; and one moiety of the ſaid penalties ſhall be to the uſe of his Majeſty, and the other moiety to ſuch perſon as will ſue for the ſame.

XVIII. *Sect.* 18. The truſtees for the fiſhery and manufactures of *Scotland* ſhall as ſoon as may be tranſmit one copy of this act to each of the miniſters of the pariſhes within the ſynods of *Argyle*, *Roſs*, *Murray*, *Sutherland* and *Caithneſs*, and *Orkney*; and each of the ſaid miniſters ſhall immediately after divine ſervice on the laſt *Sunday* of the month of *May* in every year, for four ſucceſſive years, commencing with the year 1757, publicly read to the pariſhioners, in the language beſt underſtood by them, the former part of this act from the beginning to the concluſion of the third enacting clauſe; and the judges of *Scotland* ſhall order the ſaid part of this act to be publicly read at the opening of each circuit court, to be held at *Inverara* and *Inverneſs* every year for four years ſucceſſively beginning in the year 1757.

XIX. *Sect.* 19. If any action be commenced for any thing done in purſuance of this act the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts.

Forfeited eſtates.

I. **Stat.** 20 *Geo.* 2. *cap.* 41. *ſect.* 1. All eſtates real and perſonal and all rights of what kind ſoever in *Scotland* or elſewhere whereof any perſon, who, ſince the 24th of *June* 1745. hath been attainted or before the 24th of *June* 1748. ſhall be attainted of high treaſon, was ſeiſed or intereſted in on the 24th of *June* 1745. or at any time afterwards, in his own right or to his own uſe, or whereof any other perſon was ſeiſed or intereſted in, in truſt for him, ſhall according to the eſtates and intereſts of the attainted perſon be veſted hereby in his Majeſty, without any office or inquiſition, and without any declarator of forfeiture.

II. *Sect.* 2. The barons of the exchequer in *Scotland* or three of them are to inquire into all ſuch eſtates real and perſonal in *Scotland*, and to cauſe the rents and profits until ſale thereof to be paid unto the receiver-general of his Majeſty's land rents and caſualties in *Scotland*, who ſhall pay the ſame forthwith into the exchequer at *Weſtminſter*, and to cauſe to be ſold all ſuch perſonal eſtates, in *Scotland*, and to ſell the ſaid real eſtates after the claims relating thereto ſhall be determined, and out of the rents and produce to cauſe ſatisfaction to be made to any claimants upon the ſame; and ſhall proceed in a ſummary way.

III. *Sect.*

III. *Sect.* 3. On or before the 26th of *July* 1747. every officer having the cuſtody of any record of the attainder of any ſuch traitors (other than of thoſe attainted by act of parliament) ſhall tranſmit to the King's remembrancer in the exchequer at *Edinburgh*, or his deputy, certificates containing liſts of all the perſons ſince the 24th of *June* 1745. by the records in their reſpective cuſtody adjudged guilty of high treaſon; which liſts ſhall contain the names and additions of ſuch perſons, the ſpecies of treaſon, and the times, places, and courts of their attainders, and after the 26th of *July* the like officers ſhall cauſe to be tranſmitted to the King's remembrancer at *Edinburgh* the like certificates of all other attainders for high treaſon had before the 24th of *June* 1748. within the ſpace of 30 days after ſuch attainders; all which certificates the King's remembrancer in the exchequer at *Edinburgh*, or his deputy, ſhall enter in a book.

IV. *Sect.* 4. An extract from that book, ſigned by the ſaid remembrancer, or his deputy, certifying that any perſon therein mentioned was attainted of high treaſon, ſhall be ſufficient evidence of ſuch attainder in all courts of juſtice in *Scotland*, ſo far as may concern the execution of this act.

V. *Sect.* 5. The barons of the exchequer or three of them ſhall, with the approbation of the commiſſioners of the treaſury, appoint ſurveyors and other officers for the execution of this act; who ſhall take the oaths preſcribed by 1 *Geo.* 1. *cap.* 13. and an oath for his faithful demeanor, and that he will not take any fee or the promiſe of any fee for any thing to be done by him in the execution of the ſaid truſt (except what ſhall be allowed by the ſaid barons) and that he will not have any ſhare, or intereſt, or make any benefit by any diſcovery of any forfeited or forfeitable eſtate or intereſt, intended to be applied to the uſe of his Majeſty, in purſuance of this act, or conceal or cauſe to be concealed the ſame or any part thereof.

VI. *Sect.* 6. There ſhall be paid to ſuch perſons as the barons with ſuch approbation as aforeſaid ſhall nominate by way of impreſt and upon account for payment of ſalaries of inferior officers, and for incident charges, ſuch ſums as the commiſſioners of the treaſury judge neceſſary out of ſuch monies as ſhall be in the hands of the receiver-general by virtue of this act, and the ſalaries of inferior officers ſhall not be liable to any taxes.

VII. *Sect.* 7. The barons may meet and act with or without adjournment, within term time or without, and may ſend their precept for any perſon to appear before them, and for all ſuch books, writings, and records as they think neceſſary, without any fee to be paid for the ſame; and may detain in their cuſtody ſuch books, writings, and records ſo long as they have occaſion, and may adminiſter oaths for the better diſcovery of the truth of their enquiries; and all ſheriffs, and other officers are to obey and execute their orders; and the barons are in a ſummary way to enquire by witneſſes upon oath or otherwiſe as ſoon as may be, and to make a regiſter of the names of all perſons attainted of high treaſon within the times aforeſaid; and of all real and perſonal eſtates veſted in his Majeſty by reaſon of ſuch attainder, and by whom any ſuch eſtate was forfeited, and what eſtate or intereſt every ſuch perſon attainted had on the times from which they are veſted in his Majeſty or afterwards, and by what tenures the ſame were holden, and of all incumbrances to which they were liable. And in caſe any perſon ſummoned neglect to appear or be examined, the barons may commit ſuch perſon to the common gaol of the county or ſtewartry, until he ſubmit to be examined; and if any officer neglect to give obedience to the orders of the barons, they may impoſe any fine upon ſuch officer not exceeding 50 *l.* ſterling for one offence, and commit ſuch officer till ſuch fine be paid unto the receiver-general for the uſe of his Majeſty.

VIII. *Sect.* 8. Every perſon indebted to any ſuch forfeiting perſon who ſhall make a diſcovery to the barons of any concealed debt ſo due unto any perſon attainted within the times aforeſaid (not being a debt by judgement, ſtatute, recognizance, or on any regiſtered bond or contract) and pay two third parts thereof within the times following; *viz.* of debts owing to perſons attainted before the firſt of *May*, 1747. on or before the firſt of *December*, 1747. and of debts owing to perſons attainted afterwards before the expiration of ſix calendar months after ſuch attainders, unto the ſaid receiver-general, ſhall be hereby diſcharged of the entire debt; but every perſon ſo indebted

who ſhall neglect to make ſuch diſcovery ſhall forfeit double the value of ſuch debt, to be recovered by action, bill, ſuit, or information, to the uſe of his Majeſty: and every perſon poſſeſſed of any perſonal goods or chattles of any ſuch perſons attainted, are to diſcover the ſame to the barons, before the firſt of *December* 1747. and the barons ſhall allow to every perſon diſcovering the ſame, ſuch proportion as they think reaſonable, not exceeding one fourth part; but every perſon having ſuch goods and neglecting to diſcover the ſame before the ſaid firſt of *December*, ſhall for ſuch offence forfeit double the value: and the barons are to make ſuch compoſitions touching any ſuch debts or perſonal goods as they think fit; which compoſitions ſhall be valid ſo as the monies payable thereon be paid unto the ſaid receiver-general within the times allowed by the barons; and where any debts are ſecured by bonds, or due upon accounts not adjuſted, the barons are to ſtate the ſame; and every perſon not ſo indebted or not poſſeſſed of ſuch perſonal goods, who ſhall at any time after the ſaid firſt of *July* and before the ſaid firſt of *December* diſcover to the barons any ſuch debts or perſonal goods concealed, ſhall have for his reward ſo much as the barons judge reaſonable, not exceeding one fourth part thereof; and every perſon who ſhall after the ſaid firſt of *July* and before the ſaid firſt of *December* diſcover to the barons any lands, rents, hereditaments, or chattles real, forfeited as aforeſaid and concealed, ſhall have for his reward ſuch proportion thereof as the barons judge reaſonable, not exceeding one fourth part; and the barons ſhall deliver certificates under their hands and ſeals to ſuch diſcoverers, ſpecifying the lands, rents, hereditaments, chattles, or real eſtates, ſo diſcovered, and the proportion thereof which they ought to have in reſpect thereof; and the barons are to cauſe to be paid or conveyed ſuch proportions to the diſcoverers their heirs executors adminiſtrators and aſſigns, as ſoon as may be after the time elapſed for entering claims on the eſtates ſo diſcovered, or after ſuch claims be determined.

IX. *Sect.* 9. Provided the ſhares allowed to the diſcoverers ſhall ſuffer a deduction proportional to the claims affirmed on the reſpective eſtate.

X. *Sect.* 10. The barons ſhall as ſoon as may be ſecure all ſuch perſonal chattles, and ſhall cauſe inventories and appraiſements thereof to be made upon the oaths of two perſons, and ſhall ſell all ſuch goods by auction, and cauſe an entry to be made in their book of the goods and chattles ſo ſold or contracted for, and ſhall give a certificate to the buyers, who ſhall pay the prices unto the receiver-general; and the barons on payment ſhall order the goods to be delivered; and in caſe any buyer make default in payment, he ſhall forfeit one third of the ſum contracted for; and the barons ſhall proceed to a new ſale of ſuch goods.

XI. *Sect.* 11. All perſons who ſince the 25th of *June* 1746. have entered upon any of the ſaid forfeited eſtates, and enjoyed the ſame, without lawful title, ſhall be reſponſible for the profits during the time of their occupation, and ſhall pay the value unto the receiver-general, at ſuch times as ſhall be appointed by the barons, or in default ſhall forfeit double the value.

XII. *Sect.* 12. If any ſuch perſons ſhall before the firſt of *December* 1747, diſcover to the barons ſuch lands or hereditaments ſo by them enjoyed, they ſhall be diſcharged from any account of the profits received before the ſaid firſt of *December*. All perſons who ſince the 25th of *June*, and before the ſale of ſuch premiſſes, ſhall commit any waſte, ſhall pay treble damages to be aſcertained by the barons, and for the levying thereof, the like execution ſhall iſſue as in caſe of a debt to his Majeſty.

XIII. *Sect.* 13. The barons with the approbation of the commiſſioners of the treaſury may appoint ſtewards, receivers, bailiffs, or factors, on the ſaid forfeited eſtates, with power to let the ſaid eſtates for any term not exceeding three years, and to receive the rents, and to grant diſcharges, and to hold courts, and paſs decrees for payment of rents, and to put the ſaid decrees in execution, and to do all things neceſſary for managing the ſaid eſtates, according to the laws in *Scotland*, and to pay yearly out of the ſaid rents, the ſalaries of miniſters and ſchoolmaſters, and the land tax: the ſalaries of which ſtewards, *&c.* ſhall not exceed the tenth part of the yearly value of the eſtates for which they are appointed.

XIV. *Sect.* 14. Every ſteward, *&c.* ſo appointed, before he enter on the execution of his office, ſhall be approved of as aforeſaid, and ſhall take the oaths appointed by

1 *Geo.* 1. *cap.* 13. and ſhall give bond to the King for a ſum not leſs than two years rent of ſuch eſtate as he is appointed ſteward over, with ſecurity for the payment, in caſe he fail to pay to the receiver-general at ſuch times as required by the precept of the barons all ſums by him received out of the eſtate, and to account for all ſums remaining due in the hands of the tenants by producing evidence that he hath uſed all lawful diligence for recovering ſuch ſums; and every ſteward ſhall be fully diſcharged by the exchequer upon his paying and accounting as aforeſaid.

XV. *Sect.* 15. Every ſequeſtration, ſuſpenſion, arreſtment, and other decree made in any court of judicature ſince the firſt of *Auguſt* 1745. or hereafter made, otherwiſe than according to the directions of this act, whereby any intereſt in any of the ſaid forfeited eſtates ſhall be determined in favour of any creditor or perſons claiming intereſt therein, or whereby any perſon has been, or ſhall be intitled to poſſeſs any part of the ſaid eſtates, or to receive any part of the rents, are declared to be void.

XVI. *Sect.* 16. The barons ſhall call to account all perſons, their heirs, *&c.* who by virtue of any ſequeſtration or decree made ſince the firſt of *Auguſt* 1745, or by title, have taken, or ſhall take poſſeſſion of any part of the ſaid forfeited eſtates, or have levied or diſcharged, or who ſhall levy or diſcharge any part of the rents of the ſaid eſtates (not herein before excepted) which have become due ſince the 26th of *June*, 1746. for their poſſeſſion or intromiſſions with the ſame, or who have incurred or ſhall incur any penalty, or are otherwiſe indebted to his Majeſty by this act; and upon their appearance or neglect, after being required by precept, the barons ſhall, in a ſummary way, enquire by witneſſes upon oath or otherwiſe, as ſoon as may be, and ſettle the ſums due by every ſuch perſon, and direct their precepts ordering them, their heirs, *&c.* to make payment unto the receiver-general, and deliver up to the barons or their order all ſuch forfeited goods and chattles intromitted with and poſſeſſed by them, at the times appointed by the precepts; and in caſe of neglect to comply with the ſaid precepts, the barons are to order ſuch proceedings thereupon as if the contents of ſuch precepts had been duly found by inquiſition returned into the exchequer.

XVII. *Sect.* 17. The barons ſhall cauſe the regiſter of the names of all perſons attainted within the times aforeſaid, and of all real and perſonal eſtates veſted in his Majeſty, or an authentic copy thereof, to be kept by a proper officer, who ſhall make the ſame open to the inſpection of all perſons betwixt 10 and 12 in the forenoon upon any lawful day, without fee; and in the ſaid regiſter ſhall be expreſſed the dates when the entries of the ſeveral eſtates were made; and the barons ſhall tranſmit to the commiſſioners of the treaſury an authentic copy of the ſaid regiſter.

XVIII. *Sect.* 18. When any real or heretable eſtate ſhall be entered in the ſaid regiſter, the barons ſhall within one month after ſuch entry tranſmit an authentic copy of every ſuch entry to the ſheriff of the ſhire, or ſteward of the ſtewartry, within which the eſtate is ſituated; and every ſuch ſheriff or ſteward ſhall within 12 days after he receives ſuch duplicate cauſe the ſame to be publiſhed at the market croſs of the head burgh of the ſhire or ſtewartry, and to be inſerted in a book kept by his clerk; all which books ſhall be open to any perſons demanding inſpection upon any lawful day between 10 and 12 in the forenoon, without fee.

XIX. *Sect.* 19. All eſtates and intereſts entered in the regiſter to be kept by the barons, upon which no claim ſhall be entered within the time herein after preſcribed, ſhall be veſted in his Majeſty by this act; and ſuch eſtates and intereſts upon which claims ſhall be entered, ſhall be veſted in his Majeſty, ſubject only to ſuch burden or eviction as ſhall ariſe from the determination of the claims ſo entered.

XX. *Sect.* 20. In caſe his Majeſty ſhall not provide for the ſatisfaction of ſuch claims, within 12 months after the ſame are adjudged, then the barons are to cauſe to be ſold ſo much of the eſtates as ſhall be neceſſary for the ſatisfaction of the claims, and apply the money ariſing by the ſale in diſcharge of the claims.

XXI. *Sect.* 21. If his Majeſty, his heirs or ſucceſſors, after the expiration of the ſaid time, make ſatisfaction of the claims upon any ſuch eſtate, and before the ſame is ſold, by warrant under his ſign manual, direct ſuch eſtates not to be ſold, then the barons ſhall not proceed in the ſale; and in reſpect to the ſale of the ſaid eſtates the barons are to proceed according to 13 *Geo.* 1. *cap.* 28.

XXII. *Sect.* 22. All perſons or bodies politic except forfeiting perſons and their heirs, executors, adminiſtrators, and aſſigns and their truſtees, having any eſtate, right, intereſt, or incumbrance in or upon any eſtate veſted in his Majeſty, which was binding on the forfeiting perſons and might have affected the eſtate, before the times whereon the ſame was veſted in his Majeſty, and all perſons and bodies politic pretending to have right to any eſtate ſeized or ſurveyed by the barons who ſhall pretend that none of the perſons attainted ſince the 24th of *June* 1745. and before the 24th of *June* 1748. was ſeiſed of or intereſted in ſuch eſtate on the ſaid 24th of *June* 1745. or at any time ſince, ſhall within three months after the date of the entry in the regiſter in the exchequer of any perſonal eſtate, and in caſe of real eſtates within ſix months of the entry of the regiſter to be kept in the county or ſtewartry where ſuch eſtate lies, enter their claims before the court of ſeſſion in *Scotland* in manner after mentioned; or in default thereof, every ſuch eſtate, *&c.* ſhall be void; and all ſuch claims of infants ſhall be made by their fathers or guardians or any other perſons on their behalf; and all claims of femes covert by their huſbands or any other perſons on their behalf; and all claims of madmen, ideots, or lunatics, by ſuch perſons under whoſe cuſtody they are: and all ſuch claims ſhall be made to the court of ſeſſion in time of ſeſſion, or to the lord ordinary on the bills in the time of vacance, written in parchment and ſigned by the party making the ſame, or ſuch other perſon on his behalf, or by the attornies or factors of the party having the intereſt claimed, and ſuch ſigning ſhall be teſtified by two witneſſes who ſhall ſubſcribe their names; and every claimant ſhall therein expreſs what eſtate, right, intereſt or incumbrance he claims, and under what grant title or incumbrance he claims the ſame; and if ſuch claimant demands any eſtate, right, or intereſt by virtue of any incumbrance for any debt, ſuch party ſhall ſet forth ſuch incumbrance and the dates and contents thereof and the witneſſes thereto, and if the ſame be recorded when and where the ſame was entered on record, and whether ſuch debt is really due, and how much has been ſatisfied; and every claim ſhall be tranſcribed by order of the ſaid court, and entered in books to be kept for that purpoſe; and the court of ſeſſion is to proceed in a ſummary way, without abiding the courſe of any roll as well out of as in term time, to determine all ſuch claims; and every ſuch decree of the court of ſeſſion ſhall be final in caſe 30 days, on any of which ſuch proceedings as are uſual and competent by the laws of *Scotland* for reverſing or amending ſuch decrees, ſhall elapſe, without ſuch proceedings being had.

XXIII. *Sect.* 23. The King's advocate or in his abſence his Majeſty's ſolicitor general in *Scotland*, ſhall provide for making proper anſwers and defences on behalf of his Majeſty, to all ſuch claims, and for reverſing affirming or amending the decrees thereon.

XXIV. *Sect.* 24. The court of ſeſſion ſhall in a ſummary way proceed by the teſtimony of witneſſes upon oath or otherwiſe as ſoon as may be, to determine all claims entered within the times aforeſaid; and every party claiming ſhall, if required by the ſaid court or by his Majeſty's advocate, upon oath anſwer to the truth of his claim and to interrogatories for the clearing thereof; and upon oath produce all deeds and evidences in his power concerning the ſaid claim.

XXV. *Sect.* 25. Where the claim determined to be juſt contains a demand of any ſum of money, the barons ſhall iſſue debenturs to claimants for the ſum determined to be due, which debenturs with legal intereſt ſhall be paid in the firſt place without any deduction or fee, by the receiver general out of the rents and profits of the eſtates upon which the claims are allowed.

XXVI. *Sect.* 26. No ſuch decree in favour of any claimant, or debentur thereupon, ſhall be made for any penalties for failure of payment at the day it became due or for any other penalties.

XXVII. *Sect.* 27. Where the claim contains a demand of any honours, lands, rents, ſervices, hereditaments, or other real eſtate or any intereſt therein, and is decreed juſt, the court of ſeſſion are to order the ſheriff or proper officer in the reſpective counties and ſtewartries where the ſame lie, to cauſe poſſeſſion to be delivered to ſuch claimant, his heirs, *&c.*

XXVIII. *Sect.* 28. The court of ſeſſion, upon the application of his Majeſty's advocate or of any claimant whoſe claim is affirmed may rank the order of preference of the ſeveral creditors and claimants on the reſpective eſtates.

XXIX. *Sect.* 29. During the dependance of ſuch ranking the court of ſeſſion may make interloquitors, finding any creditor or claimant intitled to any ſum ſpecified in ſuch interloquitors, and recommending to the barons to cauſe the ſame to be paid; and upon production of ſuch interloquitor or an extract thereof by the party, the barons are as ſoon as may be to make an order upon the receiver-general, or the bailiff of the eſtate, for payment of the ſum therein ſpecified out of the rents of ſuch eſtate.

XXX. *Sect.* 30. All conveyances of any honours, lands, rents, hereditaments, or real eſtate whatſoever, made after the 24th of *June* 1742. by any perſon attainted as aforeſaid unto his own uſe, or the uſe of his wife, or any of his children, or in truſt for himſelf his wife or any of his children (other than ſuch as were made *bona fide* before and in conſideration of marriage, or in performance of ſome agreement in writing before and in conſideration of marriage) and all conveyances made ſince the 24th of *June* 1742. by any ſuch perſon ſhall be deemed fraudulent; and no claim ſhall be allowed for the ſame, excepting conveyances made ſince the time aforeſaid for juſt and onerous cauſes, the ſaid onerous cauſes being always otherwiſe inſtructed than by the writings themſelves.

XXXI. *Sect.* 31. Tenants of the ſaid attainted perſons, who have paid their rents after the 24th of *June* 1745. and before the times of the reſpective attainders without fraud or colluſion ſhall be diſcharged on proof of ſuch payments.

XXXII. **Stat.** 25 *Geo.* 2. *cap.* 41. *ſect.* 1. All the lands, lordſhips, baronies, patronages, tythes, fiſhings, and other like heretages, forfeited by the attainder of the perſons after named, which were veſted in his Majeſty by 20 *Geo.* 2. *cap.* 41. *viz.* of *Simon* late lord *Lovat*; *John Drummond*, taking upon himſelf the ſtile of lord *John Drummond*, *George* late earl of *Cromarty*; and *Archibald M'Donald*, ſon of col. *M'Donald* of *Barriſdale*; ſhall be annexed to the crown of this realm unalienably; and all grants of any of the premiſſes by his Majeſty, excepting as is herein after excepted, ſhall be void.

XXXIII. *Sect.* 2. Nothing in this act ſhall take away any right, which any perſon may be intitled to in virtue of any claim duly entered in the court of ſeſſion in *Scotland* purſuant to the ſaid act.

XXXIV. *Sect.* 3. And that payment may be made to the lawful creditors on the forfeited eſtates hereby annexed to the crown ſo far as the value of ſuch lands extend, and no further, actions may be brought before the court of ſeſſion, in the name of his Majeſty's advocate, againſt ſuch creditors, which may be ſerved againſt the defendants, under the general deſcription of the claimants upon ſuch eſtates, by one edictal citation, upon 30 days notice to be affixed on the walls of the inner and outer houſe of the court of ſeſſion where the rolls of cauſes in that court are uſually affixed, in order to have the value of ſuch forfeited eſtates aſcertained upon a proof of the rental and value thereof, and in every ſuch action it ſhall be lawful for the creditors on the eſtates to bring a joint proof; and the lords of ſeſſion are to proceed in valuing the eſtates ſummarily, in ſetting which valuation regard ſhall be had to the ordinary rates at which like lands have been ſold in the ſame county; and the lords of ſeſſion ſhall thereafter certify to the barons of exchequer in *Scotland* the amount of the claims with the value of the lands and real eſtate upon which the claimants are creditors; and in ſuch caſes where the claims ſuſtained exceed the value of the lands, *&c.* out of which they ought to be paid, the lords of ſeſſion ſhall at the ſame time, certify the order of preference by which the claims ought to be paid, to the extent of the value; and the barons of exchequer are to tranſmit ſuch certificates to the commiſſioners of the treaſury; and thereupon the creditors reſpectively ſhall be paid out of the then next aids to be granted in parliament, according to the order of preference ſpecified in ſuch certificate.

XXXV. *Sect.* 4. Out of the value certified as aforeſaid it ſhall be lawful in the firſt place to retain the expence laid out by the agents for the crown, in proſecuting the actions of valuation and ranking and adjuſting the ſchemes of diviſion of the value among the creditors.

XXXVI. *Sect.*

XXXVI. *Sect.* 5. Every decree of the court of ſeſſion concerning the valuation of ſuch eſtates or the ranking the creditors thereon, ſhall be final, in caſe 30 days on any of which ſuch proceedings as are uſual and competent by the laws of *Scotland* for reverſing or amending ſuch decrees may be had, ſhall elapſe without ſuch proceedings being commenced.

XXXVII. *Sect.* 6. Where the total claims upon any eſtate ſhall not exceed 20 years purchaſe of the clear ſurveyed rental returned into the court of exchequer, the lords of ſeſſion are to certify to the barons of exchequer the amount of the claims ſuſtained and the barons are to tranſmit ſuch certificates, and the clear annual value of ſuch eſtate appearing by ſuch ſurveyed rental to the treaſury; and thereupon the creditors ſhall be paid out of the then next aids to be granted in parliament.

XXXVIII. *Sect.* 7. And whereas other eſtates became veſted in his Majeſty by virtue of the ſaid 20 *Geo.* 2. *cap.* 41. and the attainder of *Donald Cameron* of *Lochiel*, *Charles Stuart* of *Ardſheil*, *Donald M'Donald* of *Kenloch Moydart*, *Evan M'Pherſon* of *Clunie*, *Francis Buchannan* of *Arnprior*, *Donald M'Donald* of *Lochgary*, *Allan Cameron* of *Callart*, *Francis Farquharſon* of *Monaltry*, and *Alexander M'Donald* of *Keppoch*, which eſtates were holden of ſubject ſuperiors, who have entered claims to the property thereof, it ſhall be lawful for his Majeſty by perſons appointed under his ſign manual, to compound with ſuch ſubject ſuperiors concerning their claims to the property of the ſaid eſtates, and to agree with them for the purchaſe of the ſuperiority: and the agreed prices of ſuch ſuperiorities and the ſums to be paid by way of compoſition for ſuch claims of property ſhall be certified by the perſons authorized to treat on the part of the crown to the treaſury.

XXXIX. *Sect.* 8. Where ſuch ſuperiority was ſubject to a ſtrict tailzie, the monies paid as the price thereof ſhall be laid out and ſettled in the manner directed by 20 *Geo.* 2. *cap.* 51. *Tailzie.*

XL. *Sect.* 9. In caſe the property of any of the ſaid eſtates ſo claimed by ſuch ſubject ſuperiors be finally determined to be forfeited or ſhall be compounded for; then until ſuch ſuperiorities be purchaſed it ſhall be lawful to his Majeſty to veſt agreeably to the laws of *Scotland*, the ſaid eſtates held of ſubject ſuperiors, or ſuch parts of the lands, *&c.* herein before annexed to the crown as appear to have been formerly held of ſubject ſuperiors, in truſtees to be renewed from time to time by his Majeſty; which truſtees ſhall according to the law of *Scotland* be received vaſſals by the reſpective ſuperiors, and hold the ſame in truſt for the purpoſes of this act.

XLI. *Sect.* 10. The heirs of ſuch truſtees by making up titles to ſuch truſt eſtates ſhall not incur the paſſive titles, nor repreſent their predeceſſors univerſally.

XLII. *Sect.* 11. His Majeſty may change ſuch truſtees at his pleaſure and preſent new ones, who ſhall be received by the ſuperiors without payment of a year's rent or any other compoſition.

XLIII. *Sect.* 12. The property of the eſtates ſo claimed by any ſubject ſuperior and determined to be forfeited or compounded for, and the ſuperiority purchaſed by his Majeſty ſhall be annexed to the crown unalienably.

XLIV. *Sect.* 13. The barony of *Strowan*, forfeited to the crown, by decree in the parliament of *Scotland* in 1690, ſhall be annexed to the crown unalienably and the lawful debts thereon ſhall be paid as is provided concerning the lands before mentioned.

XLV. *Sect.* 14. The clear rents of the eſtates hereby annexed to the crown ſhall be applicable in manner after mentioned, or as his Majeſty ſhall by warrants under his ſign manual direct, to the purpoſes of civilizing the inhabitants upon the ſaid eſtates and other parts of the highlands and iſlands of *Scotland*, the promoting amongſt them the proteſtant religion, good government, induſtry, and manufactures, and the principles of loyalty to his Majeſty.

XLVI. *Sect.* 15. His Majeſty may by commiſſion under the privy ſeal of *Scotland* authorize perſons to be commiſſioners and truſtees for managing the ſaid eſtates and applying the produce thereof.

XLVII. *Sect.*

XLVII. *Sect.* 16. No commiſſioner appointed for executing the truſts in this act ſhall receive any fee or reward for the ſame.

XLVIII. *Sect.* 17. The commiſſioners ſhall have power to grant leaſes for any term not exceeding 21 years; or if the leſſee enter into covenants to lay out upon the premiſſes not leſs than five years rent in buildings or other improvements within ſeven years from the date of ſuch leaſe, then and upon ſuch condition, for any term not exceeding 41 years; all which leaſes ſhall be ſubject to the proviſions, conditions and limitations after-mentioned, and ſuch other as his Majeſty ſhall by his ſign manual direct.

XLIX. *Sect.* 18. Upon every leaſe there ſhall be reſerved not leſs than three fourths of the real annual value of the premiſſes ſo let; and every leaſe ſhall contain a clauſe for making the ſame void in caſe the leſſee or his heirs aſſign or let the premiſſes, or ſuffer the ſame to be adjudged at the ſuit of any creditor, or ſhall not occupy, cultivate and be reſident upon the premiſſes, or ſhall pay directly or indirectly any gratuity in conſideration of his holding the premiſſes other than the rent in ſuch leaſe expreſſed.

L. *Sect.* 19. Every leaſe ſhall be void, unleſs the leſſee ſhall before the making thereof have taken the oaths requiſite to qualify perſons to execute offices of public truſt in *Scotland*, at the quarter-ſeſſions of the county where the premiſſes lie, or before the ſheriff depute, or his ſubſtitute; and no perſon ſhall be capable of taking or enjoying any lands or tenements, other than mines or fiſhings, by virtue of ſuch leaſe of greater annual rent than 20 *l.*

LI. *Sect.* 20. The commiſſioners may bring actions in their own names either in the court of ſeſſion or ſheriffs court, not only for payment of the rents, but alſo for breach of the covenants in the leaſes.

LII. *Sect.* 21. The commiſſioners may with the approbation of the commiſſioners of the treaſury appoint ſtewards receivers or factors on the ſaid eſtates, with an allowance not exceeding five *per cent.* of the rental; who ſhall be bound with one or more ſureties in a ſum not leſs than two years rent of the eſtate under their collection, to account to the commiſſioners for the full rents and to pay in the clear reſidue to his Majeſty's receiver general of the crown rents and caſualties in *Scotland*, after deduction of the public burthens and charges of management; and thereupon the commiſſioners are to grant diſcharges to ſuch factors.

LIII. *Sect.* 22. The commiſſioners may appoint factors in the interim until the factories be approved or diſapproved of by the commiſſioners of the treaſury.

LIV. *Sect.* 23. If any factor accept from any of the tenants any gift ſervice or other gratuity he ſhall incur the penalty of 50 *l.* ſterling, *toties quoties*, one moiety to the uſe of his Majeſty, and the other to any perſon who ſhall ſue, to be recovered by ſummary complaint upon 15 days notice before the court of ſeſſion or the ſheriff's court of the county.

LV. *Sect.* 24. The commiſſioners with the approbation of the commiſſioners of the treaſury may appoint clerks and other officers, with proper ſalaries: and the commiſſioners ſhall cauſe ſuch lands to be ſurveyed, and plans to be made thereof, ſetting forth the extent and qualities of the grounds, the advantages and diſadvantages of their ſituation, and what improvements may be made; which with all other their proceedings ſhall be entered in books and an abſtract thereof reported annually, or oftener if required, to the treaſury, who ſhall cauſe copies of ſuch reports to be laid before both houſes of parliament in every ſeſſion.

LVI. *Sect.* 25. It ſhall be lawful for his Majeſty where any one or more of the eſtates aforeſaid comprehend whole pariſhes belonging in property to the crown, to divide ſuch pariſhes into two or more, by warrant or grant under the privy ſeal of *Scotland*, which ſhall preſcribe the bounds of the new erected pariſhes, and grant proviſions to the miniſters of ſuch pariſhes, to be paid out of the preſent maintenance for the miniſter of the old pariſh, and the remainder out of the rents of the ſaid eſtates, but ſo as the ſtipend to be ſettled on one miniſter ſhall not exceed 50 *l.* ſterling *per annum*; and upon production of ſuch grant before the commiſſioners for plantation of kirks and valuation of tithes, they are to interpoſe their authority to render the proviſion effectual.

LVII. *Sect.* 26. The patronage of ſuch new pariſhes, whereof the ſtipend or the greater part thereof ſhall be paid out of the ſaid eſtates, ſhall be for ever united to the crown; ſaving to all perſons their rights to the tythes of ſuch old pariſhes, and to the patronage of the new pariſhes to the miniſter whereof the old ſtipend ſhall be allocated as the whole or a greater part of his proviſion; and ſaving to the incumbent when ſuch diviſion is made, during his incumbency, the ſtipend he ſhall then be poſſeſſed of, although the ſame ſhould exceed 50*l.* ſterling.

LVIII. *Sect.* 27. All ſuch new erections of pariſhes, in which other perſons beſides his Majeſty ſhall have an intereſt, either as heretors, patrons, or titulars of the tythes in the pariſh to be disjoined, or in the new pariſh to be erected, ſhall be made by authority of the court of commiſſion for plantation of kirk and valuation of tythes in *Scotland*, upon an action at the inſtance of his Majeſty's advocate; which he is to carry on whether the other heretors conſent or not; and every decree of the ſaid court of commiſſion ſhall be final, in caſe 30 days on any of which proceedings for reverſing or amending ſuch decrees may be had, ſhall elapſe, without ſuch proceedings being commenced.

LIX. *Sect.* 28. It ſhall be lawful for his Majeſty to erect public ſchools on the ſaid eſtates, or on the other parts of the highlands or iſlands of *Scotland*, for inſtructing young perſons in the *Engliſh* language, and in agriculture and manufactures, and to erect houſes for the reception of ſuch young perſons, and for carrying on ſuch manufactures by them, and for the accommodating maſters, and to apply ſuch parts of the produce of the ſaid eſtates as ſhall be neceſſary for ſuch purpoſes, and for the raiſing of flax, and for ſuch other like uſes, as by his Majeſty ſhall be thought proper.

LX. *Sect.* 29. His Majeſty may impower the commiſſioners to allot portions of land out of the ſaid eſtates to the uſe of ſuch ſchools erected on the ſaid eſtates, or to apply part of the clear rent of ſuch eſtates in the purchaſe of land to be allotted to the uſe of ſuch ſchools erected in other parts of the highlands or iſlands of *Scotland*.

LXI. *Sect.* 30. It ſhall be lawful to his Majeſty to impower the commiſſioners to grant out in property ſuch portions of ground, not exceeding 10 acres to one perſon, as may be ſufficient for building dwelling-houſes, out-houſes, and gardens, to perſons well affected to his Majeſty and duly qualified by taking the oaths to the government, who ſhall oblige themſelves to erect buildings and make gardens thereupon; which portions of ground ſhall be held feu of his Majeſty, for a yearly feu duty equal to ſuch a proportion of the rent as the commiſſioners find to correſpond to the ground to be feued out by them: and in reſpect that ſuch ſmall fues cannot bear the charges of paſſing the ſeals, and other charges neceſſary for making out the titles of lands held of the crown, it ſhall be lawful to his Majeſty to impower the commiſſioners to grant charters, containing precepts of ſaſine, to be held feu of his Majeſty as aforeſaid, and alſo to grant all charters, precepts of *clare conſtat*, and other writings neceſſary for entering their heirs and ſingular ſucceſſors.

LXII. *Sect.* 31. Any perſon who ſhall reſide in any dwelling-houſe erected upon any portion of land granted for that purpoſe, ſhall during his reſidence in ſuch houſe be capable of holding a leaſe from the commiſſioners of any other part of the ſaid eſtates within five miles from ſuch houſe, ſubject to the other conditions and limitations of this act.

LXIII. *Sect.* 32. It ſhall be lawful for his Majeſty out of the rents of the eſtates aforeſaid to cauſe priſons to be erected and maintained on the aforeſaid lands or other parts of the highlands or iſlands of *Scotland*; and the commiſſioners may appoint gaolers and aſſign them reaſonable wages to be paid by the factors on ſuch eſtates, with allowances for the maintenance of indigent priſoners; and the commiſſioners may appoint baillies over the ſaid eſtates or any diſtrict thereof; which baillies ſhall have all the powers competent to baron baillies, and the further power to commit offenders to the next priſon within the county although not within the territory of ſuch baillie himſelf.

LXIV. *Sect.* 33. His Majeſty's receiver general for *Scotland*, ſhall reſerve the rents of the ſaid eſtates, for anſwering the orders of the commiſſioners, for the purpoſes aforeſaid.

LXV. *Sect.* 34. Until the final determination of the claims upon the aforeſaid eſtates, it ſhall be lawful for the commiſſioners of the treaſury to cauſe to be applied ſo much of the rents of the eſtates aforeſaid, as ſhall be neceſſary for defraying the expences of management thereof, and of diſcuſſing ſuch claims.

LXVI. **Stat.** 26 *Geo.* 2. *cap.* 29. *ſect.* 3. All perſons and bodies politic having any claim upon the barony or eſtates of *Strowan*, ſhall on or before the 1st of *December* next 1753, enter before the court of ſeſſion in *Scotland* their demands; or in default thereof every ſuch demand ſhall be void; and all ſuch claims ſhall be made, and entered, tried, and determined, according to the proviſions of 20 *Geo.* 2. *cap.* 41.

LXVII. **Stat.** 31 *Geo.* 2. *cap.* 16. *ſect.* 1. The court of ſeſſion in *Scotland*, ſhall proceed upon and determine all claims entered or to be entered by virtue of and in terms of the 20 *Geo.* 2. *cap.* 41. by the creditors of *Donald Cameron* of *Lochiel*, *Charles Stewart* of *Ardſheil*, *Donald Mack Donald* of *Kinlochmoydart*, *Evan Macpherſon* of *Clunie*, *Francis Buchanan* of *Amprior*, *Donald Mack Donald* of *Lochgarry*, *Allan Cameron* of *Callart*, *Francis Farquharſon* of *Monaltry*, and *Alexander Mac Donald* of *Keppoch*, upon the lands and eſtates of the ſaid forfeiting perſons, or upon any other lands and eſtates veſted in his Majeſty by the ſaid act, held of ſubject ſuperiors, according to the rules and in the manner preſcribed by the ſaid act for determining claims entered upon the eſtates of forfeiting perſons holding of the crown.

LXVIII. *Sect.* 2. Actions may be brought before the court of ſeſſion at the inſtance of his Majeſty's advocate, for proving the annual value and rental and alſo the value of the ſaid lands and real eſtates; which actions ſhall be ſerved againſt the defendants, and ſhall otherways be proceeded in before the court of ſeſſion, in the manner preſcribed by the 25 *Geo.* 2. *cap.* 41. concerning the valuation of the other forfeited eſtates annexed to the crown.

LXIX. *Sect.* 3. Every decree or determination of the court of ſeſſion in the ſaid matters ſhall be final and binding upon the ſubject ſuperiors and all other perſons concerned, in caſe application for reverſing or amending ſuch decrees is not made in the manner preſcribed and within the time limited by 25 *Geo.* 2. *cap.* 41.

LXX. *Sect.* 4. It ſhall be lawful to the ſubject ſuperiors, by themſelves or by their counſel, to appear in the ſaid court, when the claims entered upon the ſaid eſtates reſpectively held of them, or when the ſaid actions of valuation are heard, and to object thereto.

LXXI. *Sect.* 5. Nothing in this act ſhall prejudice the right accruing to his Majeſty by the forfeiture of the foreſaid perſons, or invalidate the claim of the ſaid ſubject ſuperiors duly entered in the court of ſeſſion to the property of the ſaid eſtates.

Funds.

Stat. 23 *Geo.* 2. *cap.* 21. *ſect.* 5. The yearly funds of 10000 *l.* and 2000 *l.* made payable out of the cuſtoms and exciſe in *Scotland* by 5 *Geo.* 1. *cap.* 20. ſhall during the continuance thereof be payable out of all the cuſtoms duties exciſes and revenues impoſed upon *Scotland*, that are under the management of the commiſſioners of the cuſtoms and commiſſioners of the exciſe in *Scotland*, or of any managers of theſe revenues, ſince the making the ſaid act, as well as out of the duties that ſubſiſted under the management aforeſaid, at the time of making the ſaid act.

Game.

I. **Stat.** 24 *Geo.* 2. *cap.* 34. *ſect.* 2. No perſon not qualified to kill game in *Scotland*, ſhall have in his cuſtody or carry any hares, partridges, pheaſants, muir fowl, heath fowl, ſnipes or quails, without the leave or orders of a qualified perſon firſt obtained.

II. *Sect.*

II. *Sect.* 3. Every perſon tranſgreſſing this act ſhall for the firſt offence forfeit 20*s.* ſterling, and for the ſecond and every ſubſequent offence 40*s.* ſterling, which fines ſhall be levied by diſtreſs and ſale of goods; and in caſe of inſolvency the party offending ſhall ſuffer impriſonment for ſix weeks for the firſt offence, and for three months for the ſecond and every ſubſequent offence.

III. *Sect.* 4. All offences againſt this act ſhall be enquired into and determined by the oath of one witneſs, or by the confeſſion or oaths of the parties accuſed, before any two juſtices of peace, or before the ſheriff of the county where the offence is committed, or the offender found: and proſecutions ſhall be carried on either at the inſtance of the fiſcal of court, or of any perſon who will inform.

IV. *Sect.* 5. One moiety of the forfeitures ſhall be paid to the informer or proſecutor, and the other moiety be applied for ſuch public ſervices within the county where the offence is committed, as the juſtices of peace or ſheriff direct, before whom the offender is convicted.

V. *Sect.* 6. Any perſons aggrieved may appeal to the next general or quarter ſeſſion, in caſe ſuch judgement was given by any juſtices of peace; or to the lords of juſticiary in their next circuit court, or where there are no circuit courts to the court of juſticiary at *Edinburgh*, in caſe the judgement complained of was given by the ſheriff of any county; and the determination of the ſaid general or quarter ſeſſion, or of the ſaid circuit court, ſhall be final.

VI. **Stat.** 1 *Geo.* 3. *cap.* 21. *ſect.* 1. No perſon in *Scotland* ſhall upon any pretence take, kill, deſtroy, carry, ſell, buy, have in his or her poſſeſſion or uſe, any moor fowl or tarmagan between the 10th of *November* and the 25th of *July*, nor any partridge between the 1ſt of *February*, and the 1ſt of *September*, nor any pheaſant between the 1ſt of *February* and the 1ſt of *October*, nor any heath fowl called black game between the 1ſt of *December* and the 25th of *Auguſt*, in any year.

VII. *Sect.* 2. Every perſon tranſgreſſing this act in any of the aforeſaid caſes, ſhall for every bird ſo taken, *&c.* forfeit 5 *l.* ſterling, and in caſe of inſolvency the party offending ſhall ſuffer impriſonment for two months.

VIII. *Sect.* 3. All offences againſt this act ſhall be enquired into and determined either by the oath of one witneſs or by the confeſſion or oaths of the parties accuſed, before any two juſtices of peace, or before the ſheriff depute of the county where the offence is committed, or the offender found: and proſecutions ſhall be carried on, either at the inſtance of the fiſchal of court, or of any other perſon who will inform.

IX. *Sect.* 4. One moiety of the forfeitures ſhall be paid to the informer or proſecutor, and the other moiety be applied to the uſe of the poor of the pariſh or place where the offence is committed.

X. *Sect.* 5. Any perſon aggrieved by the judgement of any juſtices or ſheriff depute may appeal to the next general or quarter ſeſſions, in caſe ſuch judgement was given by any juſtices of peace, or to the lords of juſticiary in their next circuit court, or where there are no circuit courts to the court of juſticiary at *Edinburgh*, in caſe the judgement was given by the ſheriff depute of any county; and the determination of the ſaid ſeſſions, or of the ſaid circuit court, ſhall be final.

XI. *Sect.* 6. Nothing in this act ſhall extend to any pheaſant or partridge taken in the ſeaſons allowed by this act and kept in any mew or breeding place.

XII. *Sect.* 7. So much of 24 *Geo.* 2. *cap.* 34. as limits the time for killing any moor fowl, partridge, or heath fowl is repealed.

Highways.

I. **Stat.** 32 *Geo.* 2. *cap.* 15. *ſect.* 1. Where any waggon or other carriage is drawn by four or more horſes or beaſts of draught, it ſhall be lawful for all truſtees or commiſſioners appointed or to be appointed by any act of parliament for the repair of any highway in *Scotland*, in their reſpective diſtricts, or five of them, or any perſon impowered by them to take, and they are required to take at all the gates erected for collecting any toll, before ſuch waggon, *&c* be permitted to paſs through, over and above the tolls already granted or to be granted, the ſum of 5 *s.* ſterling for each horſe

or

or other beaſt drawing ſuch waggon, &c. which additional toll ſhall be levied upon any perſon who ſhall refuſe or neglect to pay, as any other toll payable at the ſame turnpike-gate; and the money ariſing from ſuch additional duty ſhall be applied to the repair of the highway where collected.

II. *Sect.* 2. If any perſon take off any horſe or other beaſt of draught from any carriage, at or before the ſame come to any turnpike, with intent to avoid paying the additional toll, every perſon ſo offending and convicted before the ſaid truſtees, or five of them, upon the oath of one witneſs ſhall forfeit 20 *s.* ſterling; one half to the informer, and the other half to be applied to repairing ſuch part of the road as the truſtees appoint.

III. *Sect.* 3. Every perſon who ſhall drive any waggon, &c. upon any part of any turnpike road, with more horſes than ſuch carriage ſhall on the ſame day paſs through any turnpike-bar with, ſhall be deemed to have taken off the ſaid horſes with intent to avoid paying the additional toll.

IV. *Sect.* 4. No waggon or other carriage ſhall be drawn by more than eight horſes or other beaſts of draught upon any turnpike road in *Scotland*, on pain of forfeiting 5 *l.* ſterling for every ſuch offence; one half to the informer, and the other half to be applied to repairing the road where the offence is committed as the truſtees appoint.

V. *Sect.* 5. Nothing in this act ſhall reſtrain the owner of any carriage or his ſervants drawing with as many horſes or beaſts of draught as ſhall be neceſſary for drawing up any ſteep hill, as the truſtees within their reſpective diſtricts where ſuch ſteep hills lie ſhall direct; a copy of which direction under the hand of the clerk of the truſtees ſhall be kept by the perſon impowered to levy the tolls at the toll-gate next to ſuch hills; and ſhall without fee be made patent to the owners of ſuch carriages paſſing the road or their ſervants.

VI. *Sect.* 6. Nothing in this act ſhall impoſe the additional duty on any waggon or other carriage the fellies of the wheels whereof are of the breadth of nine inches; nor on any waggon, &c. employed in carrying one tree or piece of timber, one ſtone or block of marble, or any machine in one piece, which cannot be drawn by fewer than four horſes; nor on any waggon, &c. drawn by oxen or neat cattle only, or along with two horſes and no more.

VII. *Sect.* 7. All waggons and carts whereof the fellies of the wheels are of the breadth of ſix inches drawn by three horſes, ſhall only be liable to ſuch toll as is impoſed, by the acts already made, upon waggons and carts drawn by two horſes.

VIII. *Sect.* 8. Nothing in this act ſhall extend to any chaiſe marine, coach, chariot, landau, berlin, chaiſe, chair, or calaſh.

IX. *Sect.* 9. It ſhall be lawful for the truſtees appointed by any act made or to be made for repairing any highway within *Scotland*, or five of them, and they are required, by writing under their hands, to order the fellies of the wheels of all waggons and other carriages, which ought to be of the breadth before directed, to be meaſured at any turnpike upon any part of the highway upon which ſuch carriage travels.

X. *Sect.* 10. In caſe it appear to the perſon appointed to meaſure the ſaid wheels, that the fellies of the wheels were originally of the breadth of nine or ſix inches reſpectively, and by wearing have been reduced to leſs breadth, it ſhall be lawful for ſuch carriage to travel upon any turnpike road, ſo as the fellies of all the wheels reſpectively be not diminiſhed more than one inch.

XI. *Sect.* 11. If any perſon ſhall attempt to prevent the meaſuring the fellies of ſuch wheels, or uſe any violence to any perſon employed in ſuch meaſuring, every perſon ſo offending and convicted before the truſtees or five of them, upon the oath of one witneſs ſhall forfeit 5 *l.* ſterling; one half to the informer, and the other half to be applied to repairing ſuch part of the road as the truſtees ſhall appoint.

XII. *Sect.* 12. All tolls and forfeitures by this act impoſed, if not otherwiſe directed, ſhall be levied by diſtreſs of the offender's goods by warrant of any two juſtices of peace for the county or place where the offence is committed; and the perſons diſtraining are to ſell the goods diſtrained, and return the overplus money if any upon demand to the owners, after ſuch tolls or forfeitures with the charges of diſtreſs are paid.

XIII. *Sect.* 13. If any perſon think himſelf aggrieved by any order of the truſtees or juſtices, it ſhall be lawful for him to appeal to the juſtices of peace for the county or place where the cauſe of appeal ariſes in their general quarter ſeſſions who are to determine the matter in diſpute, and whoſe order therein ſhall be final.

XIV. *Sect.* 14. If any action be brought for any thing done in purſuance of this act, every ſuch action ſhall be brought within one month after the fact done.

Houſes.

I. **Stat.** 26 *Geo.* 2. *cap.* 17. *ſect.* 1. Whereas the acts 20 *Geo.* 2. *cap.* 3. & 21 *Geo.* 2. *cap.* 10. **Houſes** have not proved effectual for raiſing the duties upon windows or lights in *Scotland*; be it enacted, that the duties by the ſaid acts impoſed upon windows in *Scotland*, ſhall, after the 15th of *May* 1753, be raiſed in manner after-mentioned, *viz.* the commiſſioners of the land tax ſhall upon the firſt day of their meeting, or at any ſubſequent meeting, before the ſecond of *Auguſt* yearly, appoint one or more aſſeſſors for ſurveying and numbering the windows of all houſes ſubject to the ſaid duty within the ſeveral pariſhes belonging to the ſeveral counties or boroughs wherein the ſaid commiſſioners act; and the clerk to the ſaid commiſſioners of every ſhire or borough ſhall give notice to the aſſeſſors of their being named, by a note in writing ſubſcribed by the clerk to be delivered to them perſonally, or left at their dwelling-houſes, within 10 days after their being appointed; and the aſſeſſors ſhall upon ſuch day as the commiſſioners appoint, within one calendar month after their appointment, appear before the commiſſioners of ſupply at their ordinary place of meeting, and be there inſtructed by the commiſſioners as to their duty, and the manner of ſurveying and numbering of the windows ſubject to the duty.

II. *Sect.* 2. The aſſeſſors ſhall at the time of their ſurveying and numbering the windows, leave a note in writing with the occupier of the houſe, or at the houſe itſelf, bearing the number of the windows, and the amount of the duty with which the ſaid occupier is charged.

III. *Sect.* 3. The aſſeſſors ſhall report the ſurvey by them made, and the number of windows in each houſe, and duty with which the occupier is charged, to the commiſſioners of ſupply, upon ſuch day as the commiſſioners appoint at the time they give their inſtructions; which ſhall be within 20 days after the day of giving the inſtructions.

IV. *Sect.* 4. A note of theſe aſſeſſments ſhall forthwith be lodged by the clerk of the commiſſioners in the hands of the collector of the land tax for the county; and the collector of the land tax for each county and burgh within *Scotland* ſhall be collector of the duty upon windows; and the cautioners or ſureties for every ſuch collector of the land tax, ſhall be farther *ipſo facto* bound by virtue of this act for the faithful performance by ſuch collector of the office hereby committed to him in reſpect of the duties on windows, and that under the penalty of 100*l.* ſterling; and every ſuch collector ſhall likewiſe be intitled to have an allowance from the receiver-general of 3*d.* *per* pound, of the money ariſing from the window tax.

V. *Sect.* 5. As often as there is a vacancy in the office of collector of the land tax, in any ſhire or borough in *Scotland*, it ſhall be lawful for the barons of the *Exchequer* in *Scotland*, or two of them, upon the application of the receiver general or ſurveyor general of the duties on windows, to appoint a perſon to officiate as collector of the duty on windows within ſuch county or borough, during the vacancy of the office of collector of the land tax; and the perſon ſo appointed ſhall have all the powers and duties concerning the raiſing and paying over the ſaid duty on windows, that the collector of the land tax and of the ſaid duty had by this act; and ſhall alſo be intitled to receive from ſuch ſhire or borough during his ſervice the like ſalary as was given to the laſt collector of the land tax; and that over and above the allowance of 3*d.* in the pound of the duties on windows to be collected by him.

VI. *Sect.* 6. The occupiers of each houſe charged with the ſaid duty ſhall pay in the duty charged on or before the 29th of *September* yearly for the half year betwixt *Whitſunday* and *Martinmas*, and on or before the 25th of *March* yearly for the half year

year betwixt *Martinmas* and *Whitſunday*, to the collector of the ceſs perſonally or at his office, unleſs ſuch occupier enter an appeal againſt the aſſeſſment; in which caſe ſuch appeal ſhall be diſcuſſed before payment, and ſhall be made only within 10 days after diſcuſſing or diſmiſſing ſuch appeal; and every ſuch occupier ſhall in caſe of his not paying the duties upon the day hereby appointed, or within three days thereafter, forfeit treble the duty charged.

VII. *Sect.* 7. The duties by the ſaid acts impoſed, and likewiſe all penalties, triple values, and forfeitures incurred by this act, ſhall be recovered at the ſuit of the reſpective collectors, by diſtraining or poynding according to the law of *Scotland*; upon warrants granted and ſubſcribed by any two commiſſioners of ſupply, or by the ſheriff, or depute ſheriff, of the county; who are to grant the ſame under the penalty of 10 *l.* ſterling, *toties quoties*, upon certificate made to them by the collector of the ceſs, that ſuch penalties are incurred, and ſuch duties not duly paid; which warrants ſhall be executed by the conſtables or ſheriff officers of the county; and the goods ſo poynded ſhall be valued by any two perſons appointed by the ſheriff officer or conſtable, which two perſons ſhall be obliged to value the ſame under the penalty of 40*s.* ſterling for each neglect; and which valuation ſhall be made upon the ground, or at the houſe where the ſame were poynded, and ſhall be ſold at the value by the officer who does poynd the ſame; and the value applied in the firſt place to the payment of the duty triple value or penalty, and in the ſecond place to the payment for the trouble of the officer ſo poynding, at the rate of 2 *s. per* pound of the duty, *&c.* for which the goods ſhall be poynded; unleſs the owner redeem the ſame by payment of the appraiſed value, within four days after the poynding and valuation, to the officer who poynded the ſame; and the ſurplus ſhall be returned to the owner; and in caſe no purchaſer appear at the ſale, the goods ſhall be conſigned and lodged in the hands of the ſheriff depute or his ſubſtitute, and if not redeemed by the owner within four days after the conſignment, the ſame ſhall be rouped, ſold, and diſpoſed of, by order of the ſheriff, in ſuch manner as he ſhall appoint, he always being liable to the payment of the duty, *&c.* to the collector, and to the officer who poynded the ſame for their trouble, in caſe the value of the goods amount to the extent of the duty and penalties and to the fees to the officer; and ſhall be in the third place intitled to 1 *s. per* pound of the value of the goods for his own trouble, after allowance of the duty or penalties, and of what is to be paid to the officer; and there ſhall likewiſe be allowed to the officer ſo poynding the expence of preſerving the goods or cattle ſo poynded during the four days allowed to the owner to redeem them, and the expence of the ſale; and in like manner the expence ſhall be allowed to the ſheriff for preſerving the goods or cattle diſtrained during the four days that the owner is allowed to redeem after conſignment in his hands, as alſo the expence of the ſale.

VIII. *Sect.* 8. The officer or conſtable who diſpoſes of ſuch goods or cattle ſhall pay in the ſums ariſing from the ſale, ſo far as extends to the duties or penalties for which the ſame were poynded, to the collector of the land tax, within 10 days after receipt of the price, allowing what is above allowed for his own pains and expence; and in like manner, if the goods or cattle diſtrained be diſpoſed of by the ſheriff, he ſhall within four days after receipt of the price pay in the ſame to the collector, after deduction of what is to be paid to the officer who made the poynding, and of what is above allowed for his own pains and expence, and ſhall remain liable to the collector until payment, and ſubject to be poynded therefore in the ſame manner as is above provided with regard to any perſon liable to duties or penalties by this act.

IX. *Sect.* 9. Every ſuch collector of the land tax and duties on windows ſhall pay over to the receiver general at *Edinburgh* all monies received of the duties or penalties in manner following, *viz.* the duties or penalties ariſing half-yearly betwixt *Whitſunday* and *Martinmas* on or before the 25th of *December* in ſuch year, and the duties and penalties ariſing between *Martinmas* and *Whitſunday* on or before the 24th of *June* following.

X. *Sect.* 10. It ſhall be in the power of the perſons aſſeſſed for the duties aforeſaid, in caſe they conceive themſelves injured by the charge of the aſſeſſor; or to the ſurveyor

veyor or collector if he judges the crown to be leased, to appeal to the commissioners of supply.

XI. *Sect.* 11. Every occupier of a house aggrieved by the assessment shall, within 15 days after the note in writing of his charge delivered to him or left at his house, cause to be delivered to the collector of the cess at his office, a note in writing of the grievance of which he seeks redress by appeal; and such collector is to make an entry in a book of all such notices, and to lay the same before the commissioners at their first meeting, and shall upon demand by the assessors give them leave to take a copy of all such notices of appeals, that they may attend the meeting of the commissioners, prepared to answer the same.

XII. *Sect.* 12. In case the party giving such notice of appeal neglect to insist therein before the commissioners at their next general meeting for discussing appeals, such appeal shall be held to be fallen from, and the assessment shall stand in force.

XIII. *Sect.* 13. The commissioners shall hold a general meeting for discussing of appeals upon the first *Tuesday* of *August* yearly, and another upon the first *Tuesday* of *March* yearly, and upon such other days as they shall appoint: And in case either the surveyor or the person so appealing be dissatisfied with the determination of the commissioners upon such appeal, it shall be lawful for either of them to proceed and take the benefit of the provision made in such case in 21 *Geo.* 2. *cap.* 10. §. 10. **Houses.**

XIV. *Sect.* 14. In case the assessors perform their duty, by making their assessments and bringing in their certificates as by the former acts is directed, then the surveyors and inspectors appointed as is directed by 20 *Geo.* 2. *cap.* 3. shall proceed according to the powers thereby given to examine such assessments; and as often as they find any person under-rated, give notice in writing of such neglect to the occupier of the house and to the collector, and such additional charge shall be paid, or the justice thereof tried and discussed in the manner herein mentioned. And in case the commissioners neglect to appoint assessors, or the assessors neglect to make the inspection, and bring in the certificates, it shall be lawful for the surveyors to make a certificate in writing under their hands of every dwelling-house inhabited, or charged by the said acts within the limits of those places in which they severally act, and of the number of windows in each house, with the names of the occupiers, and of the sums which they ought to pay, and to leave a note in writing with the occupier, or at the house itself, bearing the number of the windows and the extent of the duty charged; and shall also deliver such certificates to the respective collectors; whereupon the occupiers shall in the manner at the times and under the penalties above-mentioned pay their respective duties to such collector; and in case of failure such collector shall recover the duties and penalties, and pay over the same to the receiver general at *Edinburgh* in manner above directed.

XV. *Sect.* 15. In case the occupier of any house give notice of appeal as aforesaid, the collector shall not proceed to recover by distress of the charge complained of, until the appeal is fallen from, or prosecuted to a final decision.

Jurisdictions.

I. **Stat.** 20 *Geo.* 2. *cap.* 43. *sect.* 1. All heretable jurisdictions of justiciary, and all regalities and heretable baillieries, and all heretable constabularies, other than the office of high constable of *Scotland*, and all stewartries being parts only of counties, and all sheriffships and deputy sheriffships of districts, being parts only of counties within *Scotland*, belonging unto or possessed by any subject, and all jurisdictions and privileges thereunto appurtenant, shall be after the 25th of *March*, 1748, totally dissolved.

II. *Sect.* 2. All lands annexed or belonging to the said heretable baillieries, stewartries, and constabularies, hereby dissolved, and the rents and duties payable to the possessors of the said heretable baillieries, *&c.* shall remain with them their heirs and successors.

III. *Sect.* 3. All jurisdictions and powers belonging to any such justiciary, regalities, baillieries, constabularies, stewartries, sheriffships, and deputy sheriffships, shall be vested in the court of session, court of justiciary at *Edinburgh*, the judges in the circuits,

cuits, and the courts of the ſheriffs and ſtewarts of ſhires or counties, and other of the king's courts in *Scotland* reſpectively, to which ſuch juriſdictions, *&c.* would have belonged in caſe ſuch juſticiary, *&c.* had never been granted; and the ſeveral towns places and bounds ſubject to ſuch juſticiary, *&c.* and the inhabitants within the ſame, ſhall be ſubject to ſuch of the king's courts as aforeſaid reſpectively, in the ſame manner as they would have been in caſe ſuch juſticiary, *&c.* had never exiſted.

IV. *Sect.* 4. All ſheriffſhips of any county, and all ſtewartries not hereby extinguiſhed, within *Scotland*, granted unto or poſſeſſed by any ſubject either heretably or for life, and all juriſdictions or privileges thereunto belonging ſhall be reſumed and annexed to the crown; and the ſheriffs and ſtewarts of ſuch counties and ſtewartries ſhall be nominated by his Majeſty.

V. *Sect.* 5. No ſheriffſhip or ſtewartry of any county or diſtrict within *Scotland*, ſhall hereafter be granted to any perſon either heretably or for life or for any term exceeding one year; and no juſticiary, regality, conſtabulary, or baillierie, nor any juriſdiction or immunity of the like kind within *Scotland*, ſhall hereafter be created or granted, but all grants of any of the premiſſes contrary to the meaning of this act ſhall be void.

VI. *Sect.* 6. Reaſonable ſatisfaction ſhall be made, out of the next aids to be granted in parliament, for every ſuch juſticiary, *&c.* hereby diſſolved or reſumed to the crown, to all perſons lawfully poſſeſſed of any ſuch juſticiary, *&c.* and to every clerk thereof, who was on the eleventh of *November* 1746, lawfully poſſeſſed for life of his clerkſhip, in caſe ſuch office be neceſſarily extinguiſhed in conſequence of this act.

VII. *Sect.* 7. All perſons lawfully poſſeſſed of any ſuch juſticiary, *&c.* or clerkſhip, ſhall on or before the eleventh of *November* 1747, enter their claims thereto in the court of ſeſſion in *Scotland*; and all ſuch claims with the titles or vouchers ſhall be given out in the uſual manner to his Majeſty's advocate for *Scotland*, or his deputy, or to his Majeſty's ſolicitor general there, who are to appear on behalf of his Majeſty to defend againſt all ſuch claims, as they find cauſe to oppoſe, either in reſpect of the validity of the claimant's title or of the value; and the court of ſeſſion ſhall in a ſummary way examine the ſeveral titles; and in caſe they find any perſon to have been lawfully poſſeſſed of any ſuch juſticiary, *&c.* or clerkſhip, they ſhall declare their opinion touching the value, and cauſe all ſuch opinions to be entered in a roll, and make certificates thereof to his Majeſty in his privy council; copies of which ſhall be laid before both houſes of parliament.

VIII. *Sect.* 8. The court of ſeſſion ſhall be impowered to meet and proceed on all ſuch claims in the times of vacation, and upon *Monday* as well as other days, during the time of ſeſſion; and the ſaid court is to ſit for the purpoſes aforeſaid during the whole month of *March* next after the ſaid 11th of *November*, unleſs they ſooner have diſcuſſed the matters hereby directed.

IX. *Sect.* 9. The ſaid court ſhall compel the production of all books and writings relating to the matters which they are hereby impowered to determine, and examine any perſons upon oath concerning the ſame.

X. *Sect.* 10. Where any ſuch heretable juſticiary, *&c.* is ſubject to any ſtrict tailzie affected with irritant and reſolute or prohibitive clauſes, or ſo ſettled or incumbered that the poſſeſſor cannot alien the ſame, the money allowed for the value ſhall by order of the court of ſeſſion be laid out in the purchaſe of lands or heretages within *Scotland*, which ſhall be ſettled to the ſame uſes and under the ſame limitations for the benefit of ſuch perſons and in the ſame courſe of ſucceſſion, and ſubject to the ſame incumbrances, to which ſuch heretable juſticiary was ſettled or ſubject.

XI. *Sect.* 11. In ſuch caſes and where the entailed eſtate is ſubject to any debts of the maker of the entail, or other debts effectual to charge the eſtate, not being contracted by the preſent proprietor, it ſhall be lawful to apply the money for paying off ſuch debts, and the reſidue only ſhall be laid out in the purchaſe of other lands or heretages.

XII. *Sect.* 12. It ſhall be lawful for any perſon having any eſtate right or intereſt in any ſuch juſticiary, *&c.* either in poſſeſſion or expectancy, and for any heir or ſubſtitute in any tailzie, or for any guardian, tutor, curator, or truſtee, on behalf of any infant ideot or lunatic, or for any mortgagee or incumbrancer, to enter his claim in manner before directed, and to petition the court of ſeſſion for directions for laying

out ſuch money in the purchaſe of lands or heretages; and the ſaid court are to proceed in a ſummary way and give directions thereupon; and until ſuch directions ſhall be given the money allowed for the value of ſuch juſticiary, *&c.* ſhall be paid unto and remain in either of the banks of *Scotland.*

XIII. *Sect.* 13. Every perſon who ſhall omit to enter his claim within the time and in the manner before directed, ſhall be excluded from the ſatisfaction hereby provided.

XIV. *Sect.* 14. All ſuits decrees and proceedings of any court hereby diſſolved, which were depending pronounced or had before the ſaid 25th of *March*, ſhall be of the ſame force and in the ſame condition, as if this act had not been made; and all records and entries of any ſuch ſuits, *&c.* relating to any civil or criminal cauſe in any ſuch court ſhall on or before the 24th of *June* 1748, be tranſmitted by the poſſeſſor of any ſuch juſticiary, *&c.* to the courts of the reſpective ſheriffs or ſtewarts of counties, and there kept amongſt the records, which courts ſhall proceed thereupon as if the ſaid civil or criminal cauſes had been commenced originally in ſuch courts; and the regiſter books of hornings inhibitions and interdictions heretofore kept in any baillieries of royalty or regality, or ſtewartries hereby abrogated, ſhall on or before the ſaid 24th of *June* be tranſmitted to the general regiſter houſe at *Edinburgh.*

XV. *Sect.* 15. Every act or grant whereby any lands lying anciently within one ſhire in *Scotland* were diſunited from the ſame and annexed to another ſhire to which they were not adjacent, ſhall be repealed, with reſpect only to the juriſdiction of the ſheriffs or ſtewarts courts; and ſuch lands ſhall with reſpect to ſuch juriſdiction only be reſtored or annexed to the ſhire within which they locally lie; and ſuch lands interjected between two ſhires ſhall be annexed to the ſhire to the head borough of which they are neareſt adjacent.

XVI. *Sect.* 16. This reſtitution ſhall not alter the right of voting for members of parliament in reſpect of ſuch lands, or the payment of the ceſs or land tax.

XVII. *Sect.* 17. After the ſaid 25th of *March* 1748, no heretor or proprietor of lands in *Scotland*, erected into a barony, or granted with lower juriſdiction, or their baillies, ſhall by virtue thereof have any juriſdiction in capital caſes; and no ſuch baron or other heretor infeoft *cum Curiis*, or their baillies, ſhall by virtue thereof have any juriſdiction in any criminal cauſe, other than aſſaults, batteries, and ſmaller crimes, for which the puniſhment ſhall be by a fine not exceeding 20 *s.* ſterling, or by ſetting the delinquent in the ſtocks for any time not exceeding three hours in the daytime; which fine ſhall be levied by diſtreſs or poynding of the goods of the delinquent, and in default of ſuch diſtreſs by impriſonment of his perſon for any time not exceeding one month; and as to civil cauſes, it ſhall not be lawful for any ſuch baron or heretor, or their baillies, to judge in any cauſe where the debt or damages exceed 40 *s.* ſterling, other than for recovering their mails and duties rents and profits multures or mill-ſervices.

XVIII. *Sect.* 18. Every baron or heretor of lands in *Scotland*, having any criminal juriſdiction not hereby taken away, ſhall enter in a book, to be kept by the ſheriff clerk of the county, the place provided for a priſon; and every ſuch priſon ſhall have windows or grates open to inſpection from without, and every baron or heretor ſhall for every offence againſt this act forfeit 20 *l.* ſterling with coſts, to the party injured; and all ſheriffs ſtewarts or their deputies in *Scotland*, ſhall inſpect ſuch priſons, and diſallow the ſame, in caſe they appear grievous or unhealthy or not agreeable to this act.

XIX. *Sect.* 19. No perſon ſhall be committed to priſon for cuſtody in order to trial, for any aſſaults batteries and ſmaller crimes, without a warrant in writing expreſſing the cauſe for which ſuch perſon is impriſoned; which ſhall be entered at large in a book; and extracts thereof ſhall be tranſmitted every ſix months to the ſheriff or ſtewart court, there to remain on record.

XX. *Sect.* 20. It ſhall be lawful for every heretor and proprietor of lands in *Scotland* intitled to any fair or market, to exerciſe ſuch juriſdiction as is competent to him by law, for preſerving the peace, determining controverſies, and reſtraining riots or diſorders which may ariſe within ſuch fair or market.

XXI. *Sect.* 21. Every heretor or proprietor of lands in *Scotland* within which any coal-works or ſalt-works or mines ſhall be carried on, may exerciſe ſuch juriſdiction as is competent to him by law over his colliers ſalters or miners.

XXII. *Sect.* 22. The juriſdiction hereby reſerved to the proprietors of fairs or markets, and of coal-works, ſalt-works, and mines, ſhall not extend to any juriſdiction in caſes inferring the loſs of life or demembration.

XXIII. *Sect.* 23. No baillie or other perſon ſhall officiate as judge in any baron's or other court for executing ſuch juriſdiction as aforeſaid, without firſt taking the oaths appointed to be taken by perſons in offices of public truſt, and cauſing a certificate of his having done ſo to be regiſtered by the clerks of the ſhires ſtewartries or burghs where he reſides; and every perſon ſo offending therein being convicted before two juſtices of peace or other judge competent ſummarily, ſhall forfeit 10 *l.* ſterling; one moiety to his Majeſty, and the other moiety to the informer; and ſhall ſuffer impriſonment for ſix months unleſs or until the ſame be paid.

XXIV. *Sect.* 24. All perſons lawfully poſſeſſed on the ſaid 25th of *March* 1748, of any juſticiary or other juriſdiction hereby abrogated, ſhall retain ſuch juriſdiction of barony or lower juriſdiction, as they would have been intitled to in caſe ſuch juſticiary or other juriſdiction abrogated had never exiſted; ſuch lower juriſdiction being always ſubject to the regulations hereby enacted.

XXV. *Sect.* 25. No patent or grant by his Majeſty or the barons of the exchequer in *Scotland*, after the 6th of *June* 1747, for erecting any lands in *Scotland* into a barony, lordſhip, or earldom, or under any other denomination, or for annexing any lands in *Scotland* to any barony, *&c.* heretofore erected, ſhall be ſufficient to convey to the grantee or any other perſon, any greater or other juriſdiction than for recovering the mails and duties or rents and profits thereof or the multures or mill ſervices; and all patents and grants contrary to the meaning of this act ſhall be void.

XXVI. *Sect.* 26. Nothing in this act ſhall extend to take away or prejudice any juriſdiction or privilege competent to any royal borough in *Scotland*.

XXVII. *Sect.* 27. Nothing in this act ſhall extend to take away or prejudice any juriſdiction or privilege competent to any burgh of regality, or of barony in *Scotland*, or to the magiſtrates of any ſuch burgh reſpectively, which are independent of the lord of regality or baron, except any power of repledging from the ſheriff's or ſtewart's court or any other of the king's courts; and the juriſdiction hereby reſerved to ſuch corporation or community or the magiſtrates thereof ſhall be cumulative only.

XXVIII. *Sect.* 28. In the execution of poyndings in *Scotland*, it ſhall be lawful for the officer to carry the goods poynded, or ſamples thereof in ſuch caſes where the carrying of ſamples is practiſed, to the market croſs of that royal burgh, or burgh of regality, or barony (as well ſuch whereof the juriſdiction is hereby abrogated or regulated, as thoſe whereof the juriſdiction is ſaved entire) which lie neareſt to the place where ſuch poynding was inchoated, which ſhall be as ſufficient as if ſuch goods or ſamples had been carried to the head burgh of the ſhire.

XXIX. *Sect.* 29. There ſhall be but one ſheriff depute, or ſtewart depute, in every county, ſhire, or ſtewartry in *Scotland*, not hereby taken away, and he ſhall be an advocate of three years ſtanding at the leaſt, and ſhall for ſeven years from the ſaid 25th of *March* be appointed by his Majeſty, by warrant under his ſign manual, with ſuch continuance as his Majeſty ſhall think fit; [*the time is enlarged for* 15 *years more by* 28 Geo. 2. cap. 7.] and after the end of the ſaid ſeven years, the offices of ſheriff depute, and ſtewart depute, ſhall be granted and held *ad vitam aut culpam* only, with competent ſalaries for the time of their continuance; and every ſuch ſheriff depute, or ſtewart depute, ſhall have power to nominate one or more ſubſtitutes throughout the whole county or ſtewartry, or within ſuch diſtricts as ſhall be expreſſed in the commiſſion of ſuch ſubſtitute, during his pleaſure, for whom he ſhall be anſwerable; and ſuch ſubſtitutes are to take and ſubſcribe in ſuch ſheriffs or ſtewarts courts the oaths appointed to be taken by perſons in offices of public truſt, to be there recorded, before they enter upon their offices; and it ſhall be lawful for all ſheriffs depute and ſtewarts depute,

and

and their ſubſtitutes, to hold their courts at any time in the year, without any diſpenſation from the court of ſeſſion; and not only to hold the ſtated courts at their head boroughs, but alſo itinerant courts, at ſuch times and places within their juriſdictions as they judge expedient, or as they ſhall be directed by his Majeſty by warrant under his ſign manual; which ſheriffs depute, or ſtewarts depute, are to cauſe notice to be given, within a reaſonable time before ſuch itinerant courts be held, at the ſeveral pariſh churches within the diſtrict for which the ſame are to be ſo held; and every ſuch ſheriff depute, and ſtewart depute, ſhall reſide perſonally within his county or ſtewartry during four months at leaſt in the year; and it ſhall not be lawful for any ſheriff depute or ſtewart depute to adviſe, plead, or otherwiſe act as an advocate, before any of the king's courts at *Edinburgh*, or at the circuit courts, in any cauſe civil or criminal ariſing within, or coming from his county, or ſtewartry; and in caſe any ſuch ſheriff depute or ſtewart depute ſhall not ſo reſide, or ſhall ſo adviſe plead or otherwiſe act as an advocate, or be guilty of any groſs miſbehaviour or neglect of duty, being convicted upon a ſummary trial before the court of ſeſſion, at the ſuit of his Majeſty's advocate, or of any four freeholders intitled to vote in elections of members of parliament for ſuch county or ſtewartry, he ſhall be deprived of his office.

XXX. *Sect.* 30. It ſhall not be lawful for any principal, or high ſheriff, or ſtewart, in *Scotland*, perſonally to judge in any caſe civil or criminal within his ſhire or ſtewartry in virtue of ſuch his office.

XXXI. *Sect.* 31. After the ſaid 25th of *March* 1748, the circuit courts ſhall be held twice in every year, within *Scotland*, and the judges thereof ſhall continue ſix days at leaſt at each town or place where the circuit courts ſhall be held.

XXXII. *Sect.* 32. It ſhall be lawful for any one of the judges in ſuch circuit courts to diſpatch buſineſs whenever it ſhall happen that his colleague ſhall, through indiſpoſition or other neceſſary avocation, be abſent, and the juſtice general not be preſent.

XXXIII. *Sect.* 33. The ſhire of *Argyll*, and all the places and bounds ſubject to the juriſdiction of the juſticiary belonging to the duke of *Argyll*, ſhall be deemed within the limits of the weſtern circuit, or of ſuch other circuit in *Scotland* as ſhall be appointed by his Majeſty purſuant to the power herein after mentioned; and the burgh of *Inverary* ſhall be the place where the circuit court ſhall be held twice in the year for the ſhires of *Argyll* and *Bute*.

XXXIV. *Sect.* 34. It ſhall be lawful for any party conceiving himſelf aggrieved by any interlocutor, decree, or ſentence, of the ſheriff's or ſtewart's court of any county or ſtewartry, or of the courts of any royal borough, or burgh of regality or barony, or of any court of any baron, or other heretor having ſuch juriſdiction as is not hereby taken away, in matters criminal, not inferring the loſs of life or demembration, or in matters civil, not exceeding 12 *l.* ſterling, to appeal to the next circuit court of the circuit wherein ſuch court lies, ſo as no ſuch appeal be competent before a final decree pronounced; and ſuch appeal the party aggrieved may take and enter in open court at the time of pronouncing ſuch decree, or within ten days after, by lodging the ſame in the hands of the clerk of court, and ſerving the adverſe party with a duplicate perſonally, or at his dwelling-houſe, or his procurator or agent in the cauſe, and ſerving in like manner the inferior judge in caſe the appeal contain any concluſion againſt him; and ſuch ſervice ſhall be ſufficient ſummons to oblige the reſpondents to attend and anſwer, at the next circuit which ſhall happen fifteen days at leaſt after ſuch ſervice; and the judges at ſuch circuit courts ſhall cognoſce and determine any ſuch appeal by the like rules as the court of ſeſſion, or court of juſticiary reſpectively, may now cognoſce and determine in ſuſpenſions of the interlocutors decrees or ſentences of ſuch inferior courts; but the ſaid circuit court ſhall proceed therein in a ſummary way; and if they find the reaſons of any ſuch appeal not to be relevant or not inſtructed, or determine againſt the party appealing, they ſhall condemn the appellant in ſuch coſts as they think proper

to

to be paid to the other party, not exceeding the real coſts *bona fide* expended; and their decree ſhall be final.

XXXV. *Sect.* 35. So much of this act as relates to appeals in civil cauſes to the circuit courts as aforeſaid ſhall be in force for ten years from the ſaid 25th of *March*, 1748, and to the end of the then next ſeſſion of parliament. *Made perpetual by* 31 Geo. 2. cap. 42. ſect. 7.

XXXVI. *Sect.* 36. Wherever ſuch appeal ſhall be brought, ſuch complainer at the time he enters his appeal ſhall lodge in the hands of the clerk of court from which the appeal is taken, a bond with a ſufficient cautioner for abiding by the judgement of the circuit court, and for paying the coſts if any be awarded; and the clerk of court ſhall be anſwerable for the ſufficiency of ſuch cautioner.

XXXVII. *Sect.* 37. In caſe ſuch circuit court in proceeding upon ſuch appeal find any ſuch difficulty to ariſe that they cannot proceed to the determination of the ſame, it ſhall be lawful for ſuch circuit court to certify ſuch appeal, together with the reaſons of ſuch difficulty, and the proceedings thereupon, to the court of ſeſſion, or court of juſticiary reſpectively; which courts are to proceed in and determine the ſame.

XXXVIII. *Sect.* 38. The act of parliament made in *Scotland* in 1663, intituled *Act anent the diſcharging of advocations for ſums within* 200 *merks*, ſhall be extended to all advocations in cauſes not exceeding the value of 12 *l.* ſterling.

XXXIX. *Sect.* 39. It ſhall be lawful for his Majeſty by an order in his privy council, to make a new diviſion of the circuits in *Scotland*, and to appoint what counties, ſtewartries, places, and bounds ſhall be comprehended within any ſuch circuit, and at what times and places the circuit courts ſhall be held for ever after; and ſuch order ſhall be obeyed; and the judges in ſuch new circuits ſhall have the ſame juriſdiction and powers, as in the circuits already eſtabliſhed in *Scotland*.

XL. *Sect.* 40. Circuit courts ſhall continue to be held at the towns appointed by an act of parliament in the year 1672, intituled *Act concerning the regulation of the Judicatories*, or by this act, but without prejudice to the power hereby veſted in his Majeſty, to diminiſh, augment, or alter the diſtricts, for which ſuch circuit court ſhall be held purſuant to the proviſion herein before made; and the court of ſeſſion in *Scotland* is to take into their conſideration what fees ſhall be paid to the clerks or other officers in the circuit courts, or in the courts of ſheriffs or ſtewarts in civil cauſes, and regulate the ſame by act of *ſederunt* on or before the ſaid 25th of *March*, 1748; and the court of juſticiary ſhall in like manner take into their conſideration what fees ſhall be paid to the clerks or other officers in the circuit courts, or in the ſheriffs or ſtewarts courts, in criminal cauſes, and regulate the ſame by act of adjournal on or before the ſaid 25th of *March*.

XLI. *Sect.* 41. So much of the fourth act of the parliament of *Scotland* held in the year 1695, intituled *Act anent the Juſtice court*, as directs, that after the debate of the relevancy is ended, the king's advocate or procurators for the purſuer, and for the pannel reſpectively, ſhall give in to the clerk informations in writing, to be recorded in the books of adjournal, to be read in open court at adviſing, is hereby repealed; and in place thereof, and of the ancient uſe in that court, of advocates or procurators dictating and the clerks writing the debate on the relevancy, (which uſe is by the ſaid act diſcharged) the pannel ſhall give in to the clerk the day before trial, in writing ſubſcribed by the pannel or one of his procurators, ſuch account of the facts relating to the matters charged upon him, and thereto briefly ſubjoin the heads of ſuch objections or defences as he thinks fit to make at his trial; and after the debate on the relevancy *viva voce*, the minutes whereof ſhall be made up in the ſame manner in the juſticiary court at *Edinburgh*, as is now practiſed at the circuit courts or in the court of ſeſſion, it ſhall be lawful for the court to pronounce their interlocutor upon the relevancy, and to proceed to the trial, or to adjourn their interlocutor upon the relevancy, or the trial, to a further day, as they ſee cauſe.

XLII. *Sect.* 42. Provided it ſhall be lawful for the ſaid court of juſticiary, in the trial of any crimes other than high treaſon, to direct by a ſpecial order in ſuch caſes as for their difficulty or importance appear to require ſuch direction, that informations

in writing be given in by the procurators for the purſuer and the pannel reſpectively, in any part of the trial or upon any matters alledged for the pannel before judgement.

XLIII. *Sect.* 43. No fines, forfeitures, or penalties, impoſed in the ſheriff's or ſtewarts's court in *Scotland* ſhall belong to the ſheriff or ſtewart, or any ſheriff depute or ſtewart depute; but all ſhares of ſuch fines, *&c.* as heretofore went to the judge ſhall belong to his Majeſty; and ſhall be accounted for and paid into the exchequer of *Edinburgh*; and the like proceſs and rules ſhall be iſſued and obſerved for levying the ſame, as for levying any penalties due to his Majeſty; and no fees, poundage or profits called ſentence-money ſhall be taken by any ſheriff or ſtewart, ſheriff depute or ſtewart depute, or any of their officers, or clerks.

XLIV. **Stat.** 21 *Geo.* 2. *cap.* 19. *ſect.* 13. Until a new diſtribution of the circuits in *Scotland* be made in purſuance of 20 *Geo.* 2. *cap.* 43. *ſect.* 39. the judges appointed to hold the circuit courts in *Dumfreis* and *Jedburgh*, ſhall likewiſe be appointed to hold the circuit court at *Air*, which ſhall be deemed within the limits of the ſouthern circuit, until ſuch new diſtribution of the circuits.

XLV. **Stat.** 28 *Geo.* 2. *cap.* 7. So much of 20 *Geo.* 2. *cap.* 43. as enacts, that after the end of ſeven years, from the 25th of *March*, 1748. the offices of ſheriff depute and ſtewart depute ſhall be held *ad vitam aut culpam*, ſhall be repealed; and the ſheriff deputes, and ſtewart deputes, already named, or to be named, ſhall during the ſpace of 15 years from the expiration of the ſaid ſeven years, hold their reſpective offices, for ſuch continuance as his Majeſty hath or ſhall think fit to appoint by warrant under his ſign manual, and from the end of the ſaid fifteen years, the offices of ſheriff depute, and ſtewart depute, ſhall be granted and held *ad vitam aut culpam* only, with competent ſalaries.

Juſticiary.

Stat. 19 *Geo.* 2. *cap.* 39. *ſect.* 19. The judges of the court of juſticiary and all other perſons therein concerned are hereby indemnified for not performing the northern circuit in *May* 1746.

Linen.

I. **Stat.** 24 *Geo.* 2. *cap.* 31. *ſect.* 1. All perſons who ſhall import into *Scotland*, any bad, mixed, or damnified lintſeed or hempſeed, or any lintſeed or hempſeed not thoroughly cleanſed, or any lintſeed commonly called *ſhort lintſeed*, ſhall for every ſuch offence forfeit ſuch lintſeed or hempſeed, and be liable to a penalty not exceeding 3 *l.* ſterling for every hogſhead of ſuch ſeed, and ſo in proportion for any leſs quantity.

II. *Sect.* 2. If any ſuch damnified lintſeed or hempſeed be only damaged at ſea, the importer or proprietor ſhall not be liable to the penalty, in caſe he immediately upon the landing produce proof before ſome juſtice of peace, or other magiſtrate that ſuch damage was occaſioned in the conveyance by ſea; and give ſufficient ſecurity unto the truſtees appointed in purſuance of 13 *Geo.* 1. *cap.* 26. that ſuch ſeed ſhall not be ſown, but ſhall be made into oil, or exported, under the penalty of 5 *l.* for every hogſhead of ſuch damnified ſeed, and ſo in proportion for any leſs quantity.

III. *Sect.* 3. If any lintſeed or hempſeed of the growth of *Scotland* be bad, ſhort, damnified, or otherwiſe unfit for ſowing, the proprietor ſhall not be liable to any penalty inflicted by the ſaid former act, for the ſelling, or expoſing the ſame to ſale, in caſe he firſt give ſufficient ſecurity to the ſaid truſtees, that ſuch ſeed ſhall not be ſown,

ſown, but made into oil, or exported, under the penalty of five pounds for every hogſhead, and ſo in proportion for any leſs quantity.

IV. *Sect.* 4. All lintſeed and hempſeed ſhall be ſold by the *Linlithgow* barley meaſure ſtreaked, and all ſuch meaſures ſhall be firſt ſtamped by the dean of guild or ſome royal borough, with the uſual mark of ſuch borough, and alſo with theſe words *Linlithgow* barley meaſure; and if any perſon ſell any lintſeed or hempſeed by any meaſure not ſtamped as aforeſaid, he ſhall forfeit for every ſuch offence ſuch meaſure, and 40 *s.* ſterling.

V. *Sect.* 5. Every perſon who ſhall ſell and deliver to any buyer at one time ten pecks, or any larger quantity of lintſeed or hempſeed without delivering therewith a certificate ſubſcribed by him, expreſſing the quantity and price of the ſeed; and if the ſame be of foreign production the port from whence it was imported, and the name of the country where it grew, and the year of its growth; and if ſuch ſeed be of the produce of *Britain*, the year of its growth, and the name of the county where it grew; ſuch perſon ſhall forfeit a ſum not exceeding 5 *l.* nor leſs than 50 *s.* ſterling, for every hogſhead of ſuch ſeed, and ſo proportionably.

VI. *Sect.* 6. All ſtamp-maſters, riding-officers, ſurveyors, or other officers acting under the directions of the ſaid truſtees, may at all time by day enter into any place where they ſuſpect that lintſeed or hempſeed is kept, and may ſeize all bad, ſhort, damnified, or mixed lintſeed or hempſeed, and ſuch as ſhall not be clean and good, and detain the ſame until it be legally tried, whether ſuch lintſeed or hempſeed is by the ſaid former or this act prohibited to be imported or ſold, or exported to ſale, or to be ſown; and in caſe it be adjudged that ſuch ſeed is prohibited the ſame ſhall be forfeited, and the proprietor ſhall be ſubject to a penalty not exceeding 3 *l.* ſterling for every hogſhead of ſuch ſeed, and ſo in proportion; and in caſe it ſhall be adjudged that the ſeed ſo ſeized is prohibited to be ſown, and the proprietor ſhall not make it appear that ſufficient ſecurity hath been given to the ſaid truſtees, for the exporting or making of ſuch ſeed into oil, or that application hath been made, and ſufficient ſecurity tendered, to the ſaid truſtees, ſuch ſeed ſhall be forfeited, and the proprietor ſubject to the penalty aforeſaid.

VII. *Sect.* 7. In all caſes where application hath been only made for giving ſufficient ſecurity, ſuch ſeed ſo ſeized ſhall not be delivered to the proprietor until ſuch ſecurity be actually entered into.

VIII. *Sect.* 8. All perſons who ſhall ſell or diſpoſe of any hemp or flax, by any other weight than by the ſtone, conſiſting of 16 pound weight averdupois; all flax raiſers and hecklers who ſhall not affix their names and places of abode upon every mat or quantity of flax by them ſold, ſhall for every ſuch offence forfeit a ſum not exceeding 5 *l.* ſterling.

IX. *Sect.* 9. Every perſon who ſhall ſell or expoſe to ſale, in one and the ſame mat or other package, flax or hemp of different quality or fineneſs, ſhall forfeit a ſum not exceeding 5 *l.* ſterling, for every ſuch mat or other package.

X. *Sect.* 10. Provided the ſaid penalty ſhall not extend to any perſon ſelling a ton or any larger quantity of hemp or flax to any one perſon at one time.

XI. *Sect.* 11. It ſhall be lawful to manufacture plain linen cloth with flaxen and tow yarn mixed, by making the woof of one of the ſaid yarns, and the warp of the other; but the yarn uſed for the warp ſhall be of the ſame quality and fineneſs, throughout each piece, and the yarn uſed for the roof ſhall be of the ſame quality and fineneſs throughout, under the penalties of a ſum not exceeding 40 *s.* nor leſs than 10 *s.* ſterling, to be paid by the weaver.

XII. *Sect.* 12. It ſhall be lawful to make uſe of yarns of different ſorts, qualities, and fineneſs, in the manufacturing ſtriped, chequered, and flowered linens, but ſo that each ſort of ſuch yarn ſhall be of equal quality and fineneſs, throughout each piece, under the penalty of a ſum not exceeding 40 *s.* nor leſs than 10 *s.* ſterling, to be paid by the weaver.

XIII. *Sect.* 13. All perſons, who ſhall make, ſell, or expoſe to ſale, or ſhall buy any reel not of the dimenſions preſcribed by the ſaid act, 13 *Geo.* 1. *cap.* 26. ſhall over and above the forfeiting of ſuch reel, forfeit a ſum not exceeding 40 *s.* nor leſs than 10 *s.* ſterling for every ſuch reel; and all perſons convicted of falſe reeling and making up yarn, or expoſing to ſale, ſelling or buying yarn of the produce of *Scotland*,

land, knowing the ſame to be reeled or made up contrary to the directions of the ſaid act, ſhall over and above the forfeiting of ſuch yarn forfeit a ſum not exceeding 10 nor leſs than 2 *s.* ſterling, for every ſpindle thereof, and ſo proportionally.

XIV. *Sect.* 14. It ſhall be lawful to import, ſell, and expoſe to ſale, any foreign yarn, although ſuch yarn be not reeled and made up according to the directions of the ſaid act or this act.

XV. *Sect.* 15. Every maker of heckles, wheels, reels, weaving-looms, and weaving-reeds, ſhall mark thereon, in legible and durable characters, his chriſtian name ſurname and place of reſidence, as alſo upon each reed, the hundreds of ſuch reed; under the penalty of forfeiting all ſuch heckles, *&c.* and alſo of a ſum not exceeding 20 nor leſs than 10 *s.* ſterling, for each.

XVI. *Sect.* 16. All perſons who ſhall practiſe the trade of whitening or bleaching of linen in the piece, ſo as to bleach a quantity of cloth, of the value of 500 *l.* ſterling, in one year; and all perſons who ſhall keep any public lapping-preſs, or lapping-houſe, ſhall reſpectively firſt give ſecurity to the ſaid truſtees, to the extent of 100 *l.* ſterling for every ſuch bleacher, and of 50 *l.* ſterling for every keeper or maſter of ſuch public lapping-preſs and lapping-houſe, for their faithful performance of the ſaid trades; and alſo for making good any damage to their employers by any neglect or want of ſkill; and the ſaid truſtees are upon their acceptance of ſuch ſecurities, to grant licences under their hands and ſeals to exerciſe the ſaid trades; and no fee ſhall be taken upon account of ſuch ſecurity or licence; and if any perſon without ſuch licence bleach a quantity of cloth of the value of 500 *l* ſterling in one year, or ſhall keep and uſe any public lapping-preſs or lapping-houſe, ſuch bleacher ſhall forfeit 100 *l.* ſterling, and ſuch maſter and keeper of a public lapping-preſs or lapping-houſe 100 *l.* ſterling, for every year they ſhall carry on ſuch reſpective trades without ſuch licence.

XVII. *Sect.* 17. All ſuch licenſed bleachers ſhall ſtamp in legible letters on each end of every piece of cloth by them bleached, their names and places of abode, with the addition of Bleacher, under the penalty of a ſum not exceeding 20 *s.* for every piece of cloth not ſo marked.

XVIII. *Sect.* 18. If any perſon lap up any cloth for ſale, when wet, or with any chalk, duſt, flower, or other material which may be prejudicial to the quality of ſuch cloth, or lap up any piece of cloth for ſale not duly ſtamped as preſcribed by the ſaid former act or this act, he ſhall for every ſuch offence forfeit a ſum not exceeding 40 *s.* nor leſs than 10 *s.* ſterling, for every piece.

XIX. *Sect.* 19. In all caſes where cloth ſhall through unavoidable accidents be damnified in the weaving or bleaching, or not be of equal quality throughout the piece, as is directed by the ſaid former act or this act, the ſtamp maſter appointed by the ſaid truſtees may cut ſuch damaged or inſufficient cloth into ſuch pieces as he ſhall find ſufficient and free of holes and rents, and affix his ſtamps to ſuch cuttings, as by the ſaid act is directed with regard to whole pieces, returning the damaged or inſufficient cuttings to the owners; but if the ſtamp-maſter be not ſatisfied that the cloth received ſuch damage or was rendered inſufficient through unavoidable accidents, and believe that the ſame was occaſioned by the negligence or ignorance of the weaver or bleacher, and that the cloth was preſented to be ſtamped with a fraudulent intention to deceive the buyer, he ſhall ſeize the ſame; and if upon trial it appear that ſuch damage or inſufficiency was occaſioned by the negligence or ignorance of the weaver or bleacher and not by unavoidable accident, it ſhall be condemned and forfeited, as is preſcribed by the aforeſaid act with reſpect to all inſufficient and unmerchantable cloth offered to be ſtamped.

XX. *Sect.* 20. When any unſtamped cloth, or unſtatutable yarn, is ſeized, and it is alledged that ſuch cloth or yarn is foreign, the *Onus Probandi* ſhall lie upon the owner, that the ſame was fairly imported from the place where it is alledged to have been manufactured, or from the next adjacent port, and that the duties have been paid; and if the owner fail in ſuch proof, the cloth or yarn ſo ſeized ſhall be deemed of the manufacture of *Scotland*, and be forfeited; and all linen cloth of the manufacture of *Ireland*, imported into, or expoſed to ſale in *Scotland*, not having the ſeals or ſtamps of ſome ſtamp-maſter appointed by the truſtees for the linen manufacture in *Ireland* affixed thereon, ſhall be forfeited, and ſhall be ſeized and tried in the ſame manner

manner as is directed by the ſaid act, with regard to ſuch linen of the manufacture of *Scotland* as is expoſed to ſale without being ſtamped.

XXI. *Sect.* 21. Every maker of ſtamps or ſeals for ſtamping cloth ſhall upon ſome part of every ſtamp mark his name and place of abode, and ſhall take an impreſſion of every ſuch ſtamp in a book, and enter in ſuch book the name and deſignation of the perſon by whom he was employed, and to what perſon and at what time ſuch ſtamp was delivered; under the penalty of 50 *l.* ſterling for each of the ſaid offences.

XXII. *Sect.* 22. If any perſon counterfeit any ſtamp made in purſuance of this act, or any ſtamp of any ſtamp-maſter appointed by the truſtees for the linen manufacture in *Ireland*, being convicted before the court of juſticiary at *Edinburgh* or in the circuits, he ſhall ſuffer the ſame penalties as perſons by the law of *Scotland* convicted of forgery.

XXIII. *Sect.* 23. Every maker of heckles, ſpinning-wheels, reels, weaving-looms, and weaving-reeds, and every weaver or manufacturer of linen, flaxen, or hempen cloth, or heckler or dreſſer of flax or hemp, may exerciſe the ſaid trades within any city or place in *Scotland* without any hindrance and without being charged with any entry-money or other duty in reſpect of their following ſuch trade.

XXIV. *Sect.* 24. No perſon ſhall by force obſtruct any officer appointed by the ſaid truſtees in the execution of his duty, under the penalty of forfeiting a ſum not exceeding 50 *l.* nor leſs than 5 *l.* ſterling for every ſuch offence.

XXV. *Sect.* 25. All offences againſt this act (except only as to the counterfeiting of ſtamps) may be heard and determined by the juſtices of peace, or magiſtrates of any burghs, or any one of them, within their reſpective juriſdictions, after the ſame manner and with the ſame powers as are preſcribed in the aforeſaid act with regard to offences againſt that act; and all offences againſt this and the aforeſaid act (except as aforeſaid) may be alſo heard and finally determined by any ſheriff or ſtewart deputes, or their ſubſtitutes, ſubject only to an appeal to the lords of juſticiary or their circuit courts.

XXVI. *Sect.* 26. All penalties for offences againſt this act ſhall be paid to the informer or proſecutor.

XXVII. *Sect.* 27. All actions ſhall be commenced for offences againſt this act and the ſaid former act within 12 months after the commiſſion of ſuch offence; and ſhall ceaſe after the expiration of eight months from the commencement of the ſuit; and if any appeal, either from the magiſtrates or juſtices of peace to the quarter ſeſſions, or from the ſheriff or ſtewart deputes, or their ſubſtitutes, to the circuit court, be not determined at the expiration of eight months from the commencement of the action, the ſentence appealed from ſhall take place, and be put in execution.

XXVIII. *Sect.* 28. All ſheriff and ſtewart deputes, ſheriff and ſtewart ſubſtitutes, juſtices of peace, and magiſtrates of burghs, ſhall interpret this act and the ſaid former act in the moſt beneficial manner for promoting the linen and hempen manufactures; and if any of them wilfully neglect or refuſe to execute the powers committed to them, ſo as ſuch neglect or refuſal tend to the detriment of the ſaid manufactures, ſuch neglect or refuſal ſhall be taken to be a point of dittay; and the perſon ſo offending may be proſecuted before, and puniſhed by, the lords of juſticiary, in manner preſcribed by the ſaid former act.

XXIX. *Sect.* 29. The comptroller of the cuſtoms in *Scotland*, or his deputy, ſhall without fee in *December* yearly on demand deliver in to the ſaid truſtees an account for the year ending at *Midſummer* preceding, of all flax-ſeed and hemp-ſeed, and of all flax and hemp, and alſo of all pot-aſhes, and all linen, flaxen, or hempen yarn, and linnen cloth, imported into *Scotland*, diſtinguiſhing the ſeveral ports from whence and at which the ſame were imported; as alſo an account of all flax and hemp, and of all linen, flaxen, or hempen yarn, and of all pot-aſhes, and of all linen cloth ſhipped in and exported from *Scotland*, diſtinguiſhing the ports from and to which the ſame ſhall be ſhipped and exported, and the bounties paid upon exportation of ſuch cloth.

XXX. *Sect.* 30. All contracts ſecurities, and agreements, entered into by authority of the ſaid truſtees for promoting of the ſaid linen and hempen manufactures, or any branch thereof, may be entered into and taken in the name of their ſecretary and his ſucceſſors in office, for the uſe of the fund eſtabliſhed by the ſaid act for encourag-

ing the linen manufacture in *Scotland*; and all bonds and other ſecurities for the faithful execution of any office, or for the performance of any other thing relating to the ſaid manufacture, ſhall be taken in the name of the ſaid ſecretary and his ſucceſſors in office, for the uſe of the ſaid fund; and all dilligences, ſuits, actions, and proceſſes, may be iſſued and carried on in conſequence of ſuch contracts, ſecurities, agreements and bonds, and proſecuted to a final iſſue in the name and at the inſtance of the ſaid ſecretary.

XXXI. **Stat.** 26 *Geo.* 2. *cap.* 20. *ſect.* 1. From the expiration of the bounties on the exportation of *Britiſh* and *Iriſh* coarſe linens by the 15 *Geo.* 2. *cap.* 29. & 18 *Geo.* 2. *cap.* 25. *granted, and continued by* 22 *Geo.* 2. *cap.* 42. *ſect.* 28. *to* 25 March 1753. *and the end of the then next ſeſſion of parliament*, the ſum of 3000 *l.* ſhall be paid yearly for nine years, to the caſhier of the commiſſioners and truſtees for improving fiſheries and manufactures in *Scotland*, out of the cuſtoms exciſes or other revenues in *Scotland*, to be applied for encouraging and improving the manufacture of linens in the highlands of *Scotland* only; and only in thoſe parts thereof, wherein the manufacture of linens hath either not been already introduced, or hath not yet arrived to any conſiderable degree of perfection.

XXXII. *Sect.* 2. No part of the ſaid annual ſum of 3000 *l.* ſhall be applied for any other uſe than for inſtructing and exciting the inhabitants of that part of *Scotland*, to raiſe, prepare, and ſpin, flax and hemp to be uſed in the manufacture of coarſe linen, and to weave yarn there ſpun into ſuch linen; and for providing the ſaid inhabitants with fit materials and utenſils for thoſe purpoſes, and for diſtributing rewards and prizes to the growers, preparers, and ſpinners of ſuch flax and hemp, and to the weavers and other manufacturers of ſuch linen, in reſpect to the quantity or excellence of the flax or hemp ſo prepared, and of the yarn ſo manufactured; and for ſuch other like uſes, as by the ſaid commiſſioners and truſtees ſhall be thought proper for promoting the true intent of this act.

XXXIII. *Sect.* 3. No part of the annual ſum of 3000 *l.* ſhall be applied for encouraging or improving within the limits of the ſaid highlands the manufacture of ſail cloth, or of any ſuch linens as under the denomination of ſail cloth are intitled by law to any bounty on exportation.

XXXIV. *Sect.* 4. The ſaid annual ſum of 3000 *l.* ſhall be paid for the purpoſes of this act, at ſuch times, and by ſuch orders, and in ſuch manner, as the annual ſum of 2000 *l.* and the ſurpluſſage of the duty on malt made in *Scotland*, are by 13 *Geo.* 1. *cap.* 30. *Fiſhery* or by letters patent under the great ſeal kept in *Scotland*, directed to be paid.

XXXV. *Sect.* 5. The ſaid commiſſioners and truſtees ſhall yearly at *Chriſtmas* make up an account of the monies received and iſſued by their orders, together with a report of their proceedings and ſhall within 30 days lay the ſaid account and report before his Majeſty, and ſhall alſo within 30 days lay copies of the ſaid account and report before the annual committee of the convention of the royal boroughs of *Scotland*, that they may examine the ſame, and lay before his Majeſty their obſervations.

XXXVI. *Sect.* 6. The ſaid commiſſioners and truſtees ſhall at *Chriſtmas* 1753, lay before his Majeſty a plan for the application and diſtribution of the ſaid ſum of 3000 *l.* which being approved or varied by his Majeſty by writing under his ſign manual ſhall be put into execution, until altered in like manner, and by like authority.

XXXVII. *Sect.* 7. It ſhall be lawful for the commiſſioners and truſtees, in any other year during the continuance of this act at *Chriſtmas* to lay before his Majeſty any other plan, which being approved or varied by his Majeſty ſhall be put in execution, until altered by like authority.

Scotland.

Miniſters.

I. **Stat.** 17 *Geo.* 2. *cap.* 11. *ſect.* 1. Every miniſter who ſhall be admitted to a benefice in the church of *Scotland*, and every head, principal, or maſter, in any of the univerſities of St. *Andrew's*, *Glaſgow*, and *Edinburgh*, and who was not on or before the 25th of *March* 1744. a miniſter having right to a benefice, or a head principal or maſter in any of the ſaid univerſities ſhall be ſubject to one or other of the annual rates following, *viz.* either to the ſum of 2 *l.* 12 *s.* 6 *d.* or of 3 *l.* 18 *s.* 9 *d.* or of 5 *l.* 5 *s.* or of 6 *l.* 11 *s.* 3 *d.* of lawful money of *Great Britain*, and proportionably for an half year, payable at the terms after mentioned, and in the option of the ſaid miniſters, heads, principals, and maſters, to be made in the time and manner after directed.

II. *Sect.* 2. Every miniſter admitted to a benefice in *Scotland*, and every head, principal, or maſter in any of the ſaid three univerſities, admitted after the ſaid 25th of *March* 1744. ſhall at the term of *Candlemas* next after his admiſſion, and after he hath enjoyed and had right to his benefice or ſalary for one whole year, make payment of one's year's rate, and ſo from thenceforth yearly at *Candlemas*, during his life; and if at *Candlemas* next after his admiſſion he hath enjoyed, and had right to his benefice or ſalary, only for one half year, he ſhall only be liable at the ſaid firſt term of *Candlemas* to the payment of one half of the ſaid yearly rate, and to the full year's rate at *Candlemas* next thereafter, and to the like rate yearly at each term of *Candlemas* during his life; all which rates ſhall be paid to the general collector or receiver herein after appointed at his office in *Edinburgh*.

III. *Sect.* 3. If the ſaid miniſters, *&c.* ſhall at their deaths have only right to one half of the benefice or ſalary of that year in which they die, one half of the rate ſhall be payable for that year out of their benefice to the collector at the *Candlemas* firſt after ſuch death; and the other half ſhall be payable by thoſe having right to the ann, or where no ann is due, by the heirs and executors of the miniſter, *&c.*

IV. *Sect.* 4. Every miniſter, *&c.* admitted after the ſaid 25th of *March* 1744. ſhall make his election of one of the four above-mentioned yearly rates to which he chooſes to be ſubject during his life, by a writing ſigned by him addreſſed to the truſtees herein after appointed, and which he ſhall cauſe to be delivered, at the collectors office at *Edinburgh*, on or before the firſt term of *Candlemas* after the ſaid miniſter, *&c.* ſhall have right to one half year's benefice or ſalary; and in default of giving ſuch notice ſuch miniſter, *&c.* ſhall be deemed to have made his election of the rate of 3 *l.* 18 *s.* 9 *d.* and ſhall be liable to the ſame during his life.

V. *Sect.* 5. The miniſters whoſe benefices are ſituated in the weſtern or in the northern iſles of *Scotland*, ſhall be allowed to make their election at any time before the *Candlemas* next after they have had right to the benefice for one year and a half; and in default of making their election within that time, they ſhall be ſubjected to the rate of 3 *l.* 18 *s.* 9 *d.*

VI. *Sect.* 6. The ſaid miniſters ſhall at the next *Candlemas* after they have made their election, or in default of making ſuch election make payment of the annual rates to which they are ſubjected.

VII. *Sect.* 7. Every miniſter, *&c.* admitted to a benefice in *Scotland*, or to the office of head, principal, or maſter in any of the ſaid three univerſities, on or before the 25th of *March* 1744. ſhall within ſix calendar months after the ſaid day give notice by a writing ſigned by him addreſſed to the truſtees herein after appointed, which he ſhall cauſe to be delivered at their general collector's office in *Edinburgh*, that he will not be ſubject to any of the yearly rates above-mentioned, or will ſubject himſelf to one or other of them, declaring which he chooſes; and in default of ſuch notice, he ſhall be ſubject to the annual rate of 3 *l.* 18 *s.* 9 *d.* during his life.

VIII. *Sect.* 8. The miniſters in the weſtern and northern iſles of *Scotland* may give notice as aforeſaid at any time within 18 calendar months after the ſaid 25th of *March* 1744.

IX. *Sect.*

IX. *Sect.* 9. The preſent miniſters of the church of *Scotland* and the preſent heads, principals, and maſters of the ſaid three univerſities, or who ſhall be admitted miniſters, *&c.* on or before the ſaid 25th of *March* 1744. and who ſhall be ſubject to any of the ſaid rates, ſhall pay their firſt year's rate to the collector at his office in *Edinburgh*, at the term of *Candlemas* 1744, and ſo from thenceforth yearly during their life; and if ſuch miniſter, *&c.* have right only to one half of the benefice or ſalary of the year in which he dies, the half year's rate payable by ſuch miniſter, *&c.* ſhall be paid to the collector at the firſt *Candlemas* after his death, and the other half ſhall be payable out of the ann, or by his or their heirs or executors: and every ſuch miniſter, *&c.* ſhall be liable for the firſt year to an additional ſum equal to the yearly rate to which he ſhall be ſubjected, to be paid to the collector at his office in *Edinburgh* at *Candlemas* 1744.

X. *Sect.* 10. The miniſters in the weſtern and northern iſles of *Scotland*, who now are, or who ſhall be admitted to a benefice before the ſaid 25th of *March* 1744, ſhall pay their double rate for the firſt year, and their annual rate for the ſecond year, at *Candlemas* 1745.

XI. *Sect.* 11. Miniſters *&c.* admitted aſſiſtants and ſucceſſors to the miniſter, or to the head, principal, or maſter, having right to the benefice or ſalary, ſhall as to the purpoſes of this act be held as admitted to a benefice or office only from the time that ſuch aſſiſtant ſhall be married, or ſhall come to have right to the full benefice or ſalary.

XII. *Sect.* 12. Every miniſter, *&c.* admitted after the 25th of *March*, 1744, if married ſhall in reſpect of his marriage be liable to a ſum equal to his annual rate, and to the like ſum for each ſucceeding marriage; which ſums ſhall be paid over and above the annual rate at the firſt term of *Candlemas* one full year after ſuch marriage and his admiſſion into the benefice or office.

XIII. *Sect.* 13. Every miniſter, *&c.* who now is, or ſhall be admitted on or before the 25th of *March*, 1744, and ſhall become ſubject to one or other of the aforeſaid rates, and who ſhall marry after the ſaid 25th of *March*, 1744, ſhall be liable to a ſum equal to his yearly rate in reſpect of his marriage, and to the like ſum for every marriage after; which ſums ſhall be paid over and above the annual rates at the firſt *Candlemas* one full year after ſuch marriages.

XIV. *Sect.* 14. If any miniſter, *&c.* marry a widow hereby intitled to an annuity, he ſhall not be ſubject to any payment in reſpect of ſuch marriage.

XV. *Sect.* 15. If any miniſter, *&c.* ſhall neglect to pay the rates at the terms herein appointed, he ſhall be liable to the intereſt of ſuch ſums remaining unpaid from the reſpective terms of payment.

XVI. *Sect.* 16. Upon the death of any miniſter, *&c.* ſubject to a rate, a ſum equal to one half of his yearly rate ſhall be due for the half year immediately after his death, by thoſe who have a right to the ann, and where no ann is competent, the ſame ſhall be paid by his heirs and executors.

XVII. *Sect.* 17. Every benefice of the church of *Scotland*, and every office of head, principal, or maſter in any of the ſaid three univerſities that are now, or ſhall become vacant, on or before the 25th of *March*, 1744. ſhall be ſubject to the ſum of 5*l.* of lawful money of *Great Britain* for every half year that the vacancy ſhall continue; and every ſuch benefice and office that ſhall become vacant after the ſaid 25th of *March* 1744. ſhall be ſubject to the ſum of 2*l.* 10*s.* of like money for every half year during ſuch vacancy.

XVIII. *Sect.* 18. Rates payable out of the ann and vacant benefices in the church of *Scotland* ſhall be paid to the preſbytery, within whoſe bounds the benefices lie, or to their collector, by the heritors, and others liable to the payment of the ann, and of the vacant ſtipends; and the reſpective preſbyteries are hereby impowered and required to levy and pay the ſame to the general collector at his office in *Edinburgh*, within ſix calendar months after the ann and vacant ſtipends ſhall be payable.

XIX. *Sect.* 19. The preſbyteries in the weſtern and northern iſles of *Scotland* ſhall be allowed 12 calendar months for paying in to the general collector at *Edinburgh* the reſpective ſums due out of the ann and vacant ſtipends within their bounds, from the times at which the ann and vacant ſtipends are payable.

XX. *Sect.*

XX. *Sect.* 20. The aforeſaid ſums payable by the repreſentatives of the heads, principals, or maſters, in the ſaid three univerſities, in reſpect to the half year immediately after the death of any of the members ſubject to the rates, and the ſums payable in reſpect of the vacant ſalaries in the ſaid univerſities, ſhall be paid by the repreſentatives of the deceaſed member, and by thoſe liable to the payment of the vacant ſalaries reſpectively, to the univerſity of which he was a member, and where the vacancy is; and the ſaid univerſities ſhall levy and pay the ſame to the general collector at *Edinburgh* within ſix calendar months after the deceaſe of their member and after the ſaid vacant ſalaries fall due.

XXI. *Sect.* 21. The aforeſaid annual rates and other ſums ſhall be applied by direction of the truſtees herein after named, and their ſucceſſors, to the uſes after mentioned; *viz.* In the firſt place there ſhall be paid a ſum not exceeding 210 *l.* of lawful money of *Great Britain* yearly, for the ſalaries of the general collector and the clerk, and in the ſecond place the remainder of the ſeveral ſums aforeſaid ſhall be applied to the payment of an annuity to the widow of every miniſter of the church of *Scotland*, and of every head, principal, or maſter, in any of the ſaid three univerſities, who hath been ſubject to one or other of the annual rates above mentioned, in proportion to the rate to which the reſpective widow's deceaſed huſband was liable, *viz.* if the huſband was liable to the annual rate of 2 *l.* 12 *s.* 6 *d.* his widow ſhall be intitled to an annuity of 10 *l.* and if the huſband was liable to the annual rate of 3 *l.* 18 *s.* 9 *d.* his widow ſhall be entitled to an annuity of 15 *l.* and if the huſband was liable to the annual rate of 5 *l.* 5 *s.* his widow ſhall be entitled to an annuity of 20 *l.* and if the huſband's annual rate was 6 *l.* 11 *s.* 3 *d.* his widow's annuity ſhall be 25 *l.* of lawful money of *Great Britain*; which annuities ſhall commence from the firſt *Whitſunday* or *Martinmas* one full half year after the huſband's death, and ſhall from thenceforth be due at each *Whitſunday* and *Martinmas* by equal portions, and the firſt year's or half year's annuity ſhall be payable at the firſt *Whitſunday* a full year or a full half year after the commencement of the ſaid annuity; and the ſaid annuity ſhall ſo continue payable yearly at *Whitſunday* during the widow's life and her continuing unmarried; but ſhall not be due for any terms that ſhall happen after her death or marriage.

XXII. *Sect.* 22. Every miniſter, *&c.* ſubject to one of the aforeſaid rates who ſhall die, not leaving a widow but children, ſuch child or children ſhall be entitled to a ſum equal to ten years annuity to the widow; which if there be more children than one ſhall be equally divided amongſt them.

XXIII. *Sect.* 23. If the widow entitled to an annuity die or be married before the lapſe of 10 years after the commencement of her annuity, the children under the age of 16 ſhall be entitled to ſuch a ſum of money as ſhall be equal to 10 years of the ſaid widow's annuity, deducting what has been received by the widow; which ſum ſhall be equally divided among the children if there happen to be more than one.

XXIV. *Sect.* 24. Proviſions due to the children of miniſters, *&c.* ſhall be payable at *Whitſunday* following the *Martinmas* on or before which they became due.

XXV. *Sect.* 25. The ſurplus of the rates, *&c.* after payment of the annual expence of management, and of the annuities to the widows, and of the proviſions to the children, ſhall at *Whitſunday* yearly be lent out to the miniſters of the church of *Scotland*, and to the heads, principals, and maſters in the ſaid three univerſities, who have become ſubject to the ſaid rates, to the amount of 30 *l.* of lawful money of *Great Britain* to each (who ſhall be obliged to receive the ſame) in ſuch order as ſhall be appointed by an act or acts of the general aſſembly of the church of *Scotland*; and in default of ſuch appointment in ſuch order as the truſtees herein after named ſhall direct, until every miniſter of the church of *Scotland*, and every head, principal, and other maſter in the ſaid three univerſities, ſubject to the ſaid rates, has received the ſaid 30 *l.*

XXVI. *Sect.* 26. Upon the receipt of the ſaid ſum of 30 *l.* the miniſter, *&c.* ſo receiving the ſame, ſhall execute a deed, obliging himſelf his heirs executors and ſucceſſors, that upon his ceaſing to have right to the benefice or office in reſpect whereof he received the ſaid ſum, he ſhall repay the ſaid 30 *l.* to the collector at his

office at *Edinburgh*, with intereſt for the ſame from the *Whitſunday* or *Martinmas* immediately preceding his ceaſing to have right to his benefice or office, and further obliging himſelf his heirs, *&c.* to pay the intereſt of the 30 *l.* at four *per cent. per ann.* to the ſaid collector at *Candlemas* yearly, after his receipt of the ſaid ſum, during his continuing in poſſeſſion of the benefice or office in reſpect whereof he received the ſame.

XXVII. *Sect.* 27. The ſaid collector receiving the ſaid 30 *l.* from a miniſter, or from a head, principal, or maſter in any of the ſaid three univerſities, or from their heirs, ſhall pay the ſame over to their reſpective ſucceſſors in office; who are hereby obliged to receive the ſame, and who ſhall execute a deed for repayment of the principal ſum and intereſt in manner above directed.

XXVIII. *Sect.* 28. From and after the time that any miniſter, *&c.* ſhall have received the ſaid 30 *l.* the vacant ſtipend or ſalary of ſuch miniſter, *&c.* ſhall be ſubject to the intereſt of the ſaid 30 *l.* at four *per cent. per annum.*

XXIX. *Sect.* 29. The yearly rates, and other ſums, payable by the miniſters, *&c.* and the ſaid ſums of 30 *l.* with the intereſt thereof, ſhall be privileged debts, and preferable to all other debts of the ſaid miniſters, *&c.* upon their whole perſonal eſtate; and the rates payable out of the ann and vacant benefices and ſalaries ſhall be a preferable debt and burden upon the ann and vacant benefices and ſalaries to all other debts.

XXX. *Sect.* 30. It ſhall be lawful for the collector at the ſight and direction of the truſtees to retain from the annuity due to the widow, or from the proviſions due to the children of any miniſter, *&c.* ſuch ſums as ſhall be due by the reſpective huſband or father or his heirs and executors, and which have not been or cannot be recovered from the deceaſed, upon the ſaid collector's making over his demand upon the deceaſed and his heirs and executors, with all the privileges thereunto belonging, in favour of the widow and children reſpectively.

XXXI. *Sect.* 31. After every miniſter, *&c.* ſhall have received the ſaid 30 *l.* in manner before directed, all future ſurpluſes ſhall be lent out upon proper ſecurity, at intereſt not under four *per cent. per annum*, until a capital be made up of 35,000 *l.* of lawful money of *Great Britain*, over and above the ſums lent to miniſters, *&c.* to the amount of 30 *l.* each as aforeſaid; which capital being ſo made up, there ſhall be no further increaſe, but the ſurpluſes ariſing in any one year from *Martinmas* to *Martinmas*, ſhall at the *Whitſunday* when ſuch ſurpluſes ariſe be divided proportionably amongſt all the children of the miniſters, *&c.* who in reſpect of the death of their father, or the death or marriage of his widow, within that year, ſhall be then entitled to receive their proviſions.

XXXII. *Sect.* 32. If the ſaid capital of 35,000 *l.* and ſum of 30 *l.* lent to each miniſter, *&c.* be diminiſhed, either by the inſolvency of debtors, or by any other accident, ſuch diminution ſhall be made up by after-ſurpluſes, in the ſame manner as the original capital was raiſed.

XXXIII. *Sect.* 33. The capital ſhall at no time exceed 35,000 *l.* and the ſum of 30 *l.* lent to each miniſter, *&c.* as aforeſaid.

XXXIV. *Sect.* 34. After the ſaid capital of 35,000 *l.* is raiſed, in whole or in part, if in any year the charge of management, and the annuities to the widows, and the proviſions to the children, exceed the annual income, no incroachment ſhall be made upon the capital; but ſuch deficiency ſhall firſt affect the childrens proviſions in the order of time in which they become due; and the children entitled to proviſions in the ſame year ſhall be preferred, and receive their proviſions, according to the priority of their father's death, or of his widow's death or marriage; and in the next place ſuch deficiency ſhall affect the annuities of the widows proportionably.

XXXV. *Sect.* 35. Such deduction from the childrens proviſions, and widows annuities, ſhall be made good out of the firſt and readieſt of the annual produce of the ſucceeding year in the order above mentioned; that is after payment of the annual expence of management, the widows annuities unpaid in the preceding year ſhall be made good, and afterwards the widows annuities of the current year; and after thoſe, the childrens proviſions of the former year according to the priority of the death of their fathers, or of the death or marriage of their fathers widows.

XXXVI. *Sect.*

XXXVI. *Sect.* 36. When any miniſter entitled to a benefice, is alſo a head, principal, or maſter in any of the ſaid three univerſities, and thereby entitled to a ſalary, he ſhall be only liable to one rate in reſpect to both offices.

XXXVII. *Sect.* 37. Every miniſter, *&c.* ſhall continue ſubject to his reſpective rate during life, notwithſtanding that he ceaſe to be a miniſter, *&c.* by reſignation, deprivation, or any other way; and his widow or children ſhall continue entitled to their reſpective proviſions before ſettled.

XXXVIII. *Sect.* 38. The reverend maſter *Neil M'Viccar, and others named in the act*, being all members of the preſbytery of *Edinburgh*, ſhall be truſtees for putting in execution the powers by this act given, during their continuing in their benefices and offices.

XXXIX. *Sect.* 39. Every other miniſter of the preſbytery of *Edinburgh*, and every maſter in the univerſity of *Edinburgh* in office on or before the 25th of *March* 1744. and ſubject to one of the rates, ſhall be truſtees for the execution of this act, while in office; unleſs ſuch miniſter in the ſaid preſbytery, or maſter in the ſaid univerſity, ſhall within ſix calendar months after the ſaid 25th of *March* 1744. give notice, by a writing ſigned by him addreſſed to the ſaid truſtees, and which he ſhall cauſe to be delivered at the collector's office in *Edinburgh*, declaring that he declines to accept of the ſaid truſt.

XL. *Sect.* 40. All miniſters of the preſbytery of *Edinburgh*, and all heads, principals, and maſters in the ſaid univerſity of *Edinburgh*, admitted into their reſpective benefices or offices after the ſaid 25th of *March* 1744. ſhall be truſtees for the execution of this act.

XLI. *Sect.* 41. Every miniſter, having an office in any of the univerſities of *Saint Andrews* and *Glaſgow*, and every miniſter in any of the preſbyteries ſeats in *Scotland*, ſubject to any of the ſaid rates, ſhall be a truſtee for the execution of this act, during their continuing in their ſaid benefices and offices.

XLII. *Sect.* 42. It ſhall be lawful for the aforeſaid miniſters poſſeſſed of offices in the ſaid univerſities of *Saint Andrews* and *Glaſgow*, and to the ſaid miniſters in the preſbytery ſeats, to refuſe the ſaid truſt, ſo as ſuch refuſal be notified by a deed in writing ſigned by the ſaid miniſters reſpectively, and given in to the ſaid truſtees, or their clerk, within ſix calendar months after they have reſpectively become liable to one of the rates, and their admiſſion to an office in any of the ſaid univerſities, or becoming miniſters in preſbytery ſeats.

XLIII. *Sect.* 43. It ſhall be lawful for every preſbytery in *Scotland* (the preſbytery of *Edinburgh* excepted) annually to elect one of their number ſubject to one of the rates to be a truſtee for one year, commencing from the firſt of *May* yearly; and it ſhall be lawful for each of the univerſities of *St. Andrews* and *Glaſgow*, annually to elect two of their number, not being miniſters, who are ſubject to one of the rates, to be truſtees for one year, commencing from the firſt of *May* yearly.

XLIV. *Sect.* 44. It ſhall be in the power of the ſaid annual truſtees to refuſe to act in the ſaid offices, ſo as ſuch refuſal be notified to the reſpective preſbyteries or univerſities at the time of election if the truſtee elect be preſent, or elſe at the next meeting of the preſbytery or univerſity after the election come to his knowledge.

XLV. *Sect.* 45. Nine of the truſtees, whereof ſix to be miniſters of the church of *Scotland*, may execute all the powers committed to them by this act; and ſhall have four ſtated meetings yearly, upon the ſecond *Tueſday* in *May*, the ſecond *Tueſday* in *November*, the ſecond *Tueſday* in *February*, and the ſecond *Tueſday* in *March*, in the old church iſle of *Edinburgh*, between the hours of ten and twelve in the forenoon, with power to chooſe a preſes, and to adjourn themſelves: and it ſhall be lawful for the preſes of the laſt meeting of the truſtees, or in his abſence the moderator of the preſbytery of *Edinburgh* (ſuch moderator being a truſtee) or in his abſence, the eldeſt miniſter of the city of *Edinburgh*, who is then a truſtee, to call other meetings of the truſtees as occaſion ſhall require: and they are hereby required, upon the requeſt of any five or more of the truſtees, to call ſuch meetings.

XLVI. *Sect.* 46. It ſhall be lawful for the truſtees at their firſt meeting, to elect a clerk, and to appoint him a ſalary not exceeding 50*l.* of money of *Great Britain* yearly; which clerk ſhall give bond to the truſtees, with one or more ſureties, for the

the faithful diſcharge of his office, under the penalty of 100 *l.* of like money: and the ſaid clerk ſhall at his own charge provide proper books, and inſert therein the proceedings of the truſtees, and write and cauſe to be written their orders; and have an officer for advertiſing the truſtees of their meetings, and for attending the ſame; for which officer the clerk ſhall be allowed not exceeding 5 *l.* *per annum* of money of *Great Britain.*

XLVII. *Sect.* 47. The clerk ſo to be elected, ſhall be approved by the next meeting of the general aſſembly of the church of *Scotland*, and in caſe he be diſallowed of, ſuch meeting ſhall elect a clerk for the truſtees.

XLVIII. *Sect.* 48. It ſhall be lawful to the truſtees to ſuſpend or remove the clerk; and thereupon, or upon the death, reſignation, or removal of the clerk, to appoint his ſucceſſor, who ſhall be approved or diſapproved by the next meeting of the general aſſembly of the church of *Scotland*; who have hereby power to hear the cauſes of the deprivation or ſuſpenſion of the clerk, and to allow or diſallow of the ſame, and to affirm or reverſe the judgement of the truſtees.

XLIX. *Sect.* 49. It ſhall be lawful for the general aſſembly of the church of *Scotland* that ſhall firſt meet after the 25th of *March* 1744. to elect a general collector or receiver of the aforeſaid annual and other rates; and the ſaid collector ſhall have power to carry on all ſuits for recovery of the rates, and to iſſue the annuities to the widows, and proviſions to the children, and to lend out the ſurpluſes to the miniſters of the church, and to the members of the ſaid three univerſities, in manner before directed, and alſo the after-ſurpluſes upon intereſt as he ſhall be directed by the truſtees; and the collector ſhall uſe all proper diligence for ſecuring the aforeſaid ſums.

L. *Sect.* 50. It ſhall not be in the power of the collector to lend out any part of the aforeſaid capital of 35,000 *l.* or to uplift or re-employ the ſame, without a particular appointment of the truſtees.

LI. *Sect.* 51. The collector may appoint one or more deputies, for whom he ſhall be anſwerable, for levying the annual rates and other ſums to be paid to him at his office in *Edinburgh.*

LII. *Sect.* 52. The full expence incurred by the collector and his deputies in recovering payment of the reſpective ſums ſhall be recovered out of the reſpective debtors eſtates without any abatement.

LIII. *Sect.* 53. The collector ſhall at or before his admiſſion give bond with one or more ſureties to the truſtees, for the ſum of 7000 *l.* of money of *Great Britain*, that he ſhall faithfully diſcharge his truſt, and that he ſhall effectually levy and make good the annual and other rates payable by the miniſters, *&c.*

LIV. *Sect.* 54. The collector ſhall keep a public office in *Edinburgh*, in which attendance ſhall be given from 10 to 12 in the forenoon of every lawful day for 30 days immediately following the iſſuing of the warrants herein after mentioned, and from 10 to 12 in the forenoon every *Wedneſday* throughout the reſt of the year.

LV. *Sect.* 55. The collector ſhall annually on the ſecond *Tueſday* in *May* exhibit to the truſtees at their meeting an account of the ſums come into his hands in the year preceding, diſtinguiſhing by whom paid, and upon what account.

LVI. *Sect.* 56. The collector ſhall for his whole trouble and expence be allowed an annual ſalary, not exceeding 155 *l.* of money of *Great Britain.*

LVII. *Sect.* 57. It ſhall be lawful for the truſtees to ſuſpend or remove the collector; and thereupon, or upon his death or reſignation to name a collector in the interim, who ſhall have full powers to act until the next meeting of the general aſſembly; which meeting ſhall finally determine upon the cauſes of ſuſpenſion or deprivation of the former collector, and either reſtore the former collector, or continue the collector named by the truſtees, or appoint a new collector.

LVIII. *Sect.* 58. The collector ſo named ſhall be allowed a proportionable part of the ſalary during the time he ſhall diſcharge the truſt.

LIX. *Sect.* 59. Every preſbytery in *Scotland*, and each of the univerſities of *St. Andrews*, *Glaſgow* and *Edinburgh*, ſhall make up liſts of all miniſters admitted to benefices, and of all heads, principals, or other maſters, admitted into offices within their reſpective preſbyteries and univerſities, with the dates of their reſpective admiſ-

ſions;

ſions; and with an account if they be married, and the date of their marriage; and a liſt of the miniſters and members of the univerſities that have died within the year, with the names of the widows and the names and ages of the children left; and a liſt of the widows that have died or been married within the year, with the dates of their death or marriage, and what children were alive at the ſaid widow's death or marriage; as alſo liſts of all vacancies happening within their ſaid preſbyteries or univerſities with the dates and cauſe of the vacancy: which liſts, as alſo all other liſts appointed by the truſtees to be made up for the year 1744. ſhall be atteſted by the moderator and clerk of the preſbytery, and by the head or principal, and the clerk of the ſaid univerſities reſpectively; and ſhall betwixt *Martinmas* and *Candlemas* in the year 1744. be tranſmitted by the moderator of the preſbytery, and by the heads or principals of the ſaid univerſities to the truſtees clerk at *Edinburgh*; and ſo from thenceforth annually, the liſts of each year computed from *Martinmas* to *Martinmas* ſhall be made up and tranſmitted betwixt *Martinmas* and *Candlemas* following: and the moderator of the preſbytery, and the head or principal of the univerſities, neglecting ſo to do, ſhall for every ſuch offence forfeit 10*l.* of money of *Great Britain*, to be paid to the collector, and to be levied and applied as the annual rates.

LX. *Sect.* 60. The moderators of the preſbyteries in the weſtern and northern iſles of *Scotland*, ſhall not be ſubject to the ſaid penalty of 10*l.* in caſe they tranſmit ſuch liſts as aforeſaid within ſix months after the ſaid term of *Martinmas*.

LXI. *Sect.* 61. The moderators of the ſaid preſbyteries, and their clerk, and the heads or principals of the ſaid three univerſities, and their clerk reſpectively, ſhall, at the requeſt of each widow or child claiming right to an annuity or proviſion, deliver to them a certificate ſigned as aforeſaid, certifying the death of the miniſter, or the death or marriage of his widow, with the reſpective dates thereof, and the names and ages of his children.

LXII. *Sect.* 62. The truſtees ſhall, at their meeting on the ſecond *Tueſday* in *March* yearly, make up liſts of all the widows and children entitled to receive annuities or proviſions, mentioning the ſums to which they are entitled; which liſts ſhall remain in the hands of the truſtees clerk, and ſhall be open to the inſpection of all parties intereſted: and it ſhall be lawful for the parties intereſted, to give in their objections in writing to the ſaid clerk, to be laid before the truſtees for their determination at their meeting upon the ſecond *Tueſday* in *May* following.

LXIII. *Sect.* 63. The truſtees ſhall at their meeting on the ſecond *Tueſday* in *May* yearly adjuſt the diſpoſal of their funds of the preceding year, and what ſum ſhall be paid to each widow and child; and the preſes ſhall ſign two copies thereof, and alſo a warrant upon the collector for payment accordingly to each widow and child intereſted; and ſhall lodge all the ſaid warrants in the hands of their clerk, to be delivered to the parties; and the clerk ſhall deliver to the collector one of the ſubſcribed copies of the total liſt and ſtate.

LXIV. *Sect.* 64. The collector ſhall upon the ſaid warrants being preſented to him at his office upon any of the days and at the hours above ſpecified, make payment of the ſums therein contained, without fee, upon a receipt indorſed upon the ſaid warrants: and if either the collector or the clerk to the truſtees exact any reward for delivering the ſaid warrants, or making payment, the collector and clerk reſpectively ſo offending ſhall *ipſo facto* forfeit his office and be incapable of being ever reelected; and upon proof of ſuch offence before the truſtees, the truſtees ſhall deprive the ſaid collector or clerk, and declare him incapable of being rechoſen: and if any perſon acting under the ſaid collector or clerk exact any fee upon the aforeſaid accounts, the ſaid collector or clerk, by whom ſuch offender was appointed, ſhall for every ſuch offence forfeit 10*l.* of lawful money of *Great Britain*, upon proof before the truſtees: which ſums ſhall be levied and applied as is directed with reſpect to the annual rates.

LXV. *Sect.* 65. If any widow or child entitled to an annuity, or to proviſions, be unduly omitted in the ſaid annual liſt, it ſhall be lawful for ſuch widow or child to make their claim to the truſtees, at or before their meeting upon the ſecond *Tueſday* in *March* in the year following; and the truſtees ſhall inſert the ſaid widow or child in their liſt to be made up at their meetings on the ſaid ſecond *Tueſday* in *March*, and

of *May*, in the ſaid enſuing year; and ſhall grant warrants for payment of their annuities and proviſions out of the produce of the year immediately preceding.

LXVI. *Sect.* 66. If the widow or child ſo unduly omitted neglect to make their claim within one year after ſuch omiſſion, their claim ſhall be held as deſerted and ſhall not be allowed thereafter.

LXVII. *Sect.* 67. The payments before directed ſhall be made to the widows or children reſpectively named in the warrants if the perſons ſo named are majors, and to the tutors or curators of ſuch as are minors, and if they have no tutors nor curators to ſuch perſon as ſhall be authorized for that purpoſe by an act of the preſbytery or univerſity of which the perſon under whom the proviſion is claimed was laſt a member.

LXVIII. *Sect.* 68. The annuities to widows, and proviſions to children, ſhall not be liable to any arreſtment, but ſhall be paid to the widows and children themſelves, or to their tutors and curators, or truſtees as aforeſaid, or to their executors adminiſtrators or aſſigns.

LXIX. *Sect.* 69. The truſtees, at their meeting on the ſecond *Tueſday* in *May* yearly, ſhall give directions to the collector for lending out the ſurpluſes of the preceding year to the miniſters of the ſaid church, and to the heads, principals, and maſters in the aforeſaid three univerſities, to the amount of 30 *l.* to each; and the after-ſurpluſes towards raiſing the aforeſaid capital of 35000 *l.*

LXX. *Sect.* 70. No part of the ſaid capital of 35000 *l.* ſhall be lent out, or uplifted, or re-employed, but with the advice and conſent of the lord preſident, and the two ſenior judges of the court of ſeſſion, the lord chief baron, and ſenior baron of the court of *Exchequer*, and of the lord juſtice general, and lord juſtice clerk, or three of them.

LXXI. *Sect.* 71. The truſtees ſhall attend the ſtated meetings, and the adjournments thereof, and all occaſional meetings, to which they ſhall be then ſummoned; under the penalty of 20 *s.* of money of *Great Britain*, *toties quoties*, to be levied and applied as is directed with reſpect to the annual rates: and a certificate under the hand of the clerk ſhall be a ſufficient evidence of ſuch abſence, and of the penalties being incurred; unleſs the truſtee have a ſufficient cauſe for ſuch abſence to be allowed of by a majority of the truſtees preſent.

LXXII. *Sect.* 72. The truſtees ſhall annually prepare a ſtate of the funds under their management, and an account of their proceedings, which ſhall be laid annually before the aſſembly of the church of *Scotland*; and a printed copy thereof ſhall be tranſmitted to each preſbytery, and to each of the ſaid univerſities, betwixt the firſt of *June* and the firſt of *Auguſt* yearly.

LXXIII. *Sect.* 73. The expence of printing and tranſmitting the ſaid annual ſtate, and all other neceſſary expences of the truſtees, ſhall be paid by the collector, and ſhall be allowed to him out of his annual receipts; provided the ſaid expences do not in any one year exceed 40 *l.* of money of *Great Britain*.

LXXIV. *Sect.* 74. The collector ſhall annually, on the ſecond *Tueſday* in *November*, exhibit to the truſtees at their meeting an account of the ſums paid by him out of his receipts of the preceding year; and the truſtees ſhall audit and paſs his accounts, and diſcharge him and his ſureties of the ſums ſo accounted for.

LXXV. *Sect.* 75. In all proceſſes of modification and augmentation of ſtipends, the aforeſaid annual rates payable by the miniſters of the church of *Scotland* by virtue of this preſent act, ſhall be deemed part of their ſtipends.

LXXVI. *Sect.* 76. If the univerſity of *Aberdeen*, or any of the colleges therein, ſhall apply to the next general aſſembly of the church of *Scotland*, declaring that they deſire to be comprehended in this act, the heads, principals, and maſters in the ſaid univerſity of *Aberdeen*, or in either of the colleges of the ſaid univerſity, ſhall be comprehended in this act, and ſhall be ſubject to the annual rates and other burdens hereby impoſed, and they and their widows and children reſpectively ſhall be intitled to the privileges and proviſions herein contained, in like manner as the heads, *&c.* in the univerſities of *St. Andrews* and *Glaſgow*.

LXXVII. *Sect.* 77. This act ſhall be deemed a public act.

LXXVIII. **Stat.** 22 *Geo.* 2. *cap.* 21. *ſect.* 1. After the 15th of *May* 1749. every miniſter who ſhall be ordained and admitted to a benefice in the church of *Scotland*, and every perſon who ſhall be admitted as head, principal, or maſter, in any of the univerſities of *St. Andrews*, *Glaſgow*, and *Edinburgh*, ſhall make his election to which of the four yearly rates mentioned in 17 *Geo.* 2. *cap.* 11. he chooſes to be ſubject during his life, within the times after-mentioned; *viz.* every miniſter having a benefice in the weſtern or northern iſles of *Scotland*, on or before the 15th of *January* that ſhall firſt happen after he ſhall have had right to his benefice for a year and half; and every other miniſter of the church of *Scotland*, on or before the 15th of *January*, that ſhall firſt happen after he ſhall have had right to his benefice for one half year; and every head, principal, or maſter of any of the ſaid three univerſities, on or before the 15th of *January* that ſhall firſt happen after he hath held his office for four calendar months; and every miniſter or head, *&c.* neglecting to notify his election as is preſcribed by the ſaid act within the times herein limited, ſhall be deemed to have made his election of the annual rate of 3 *l.* 18 *s.* 9 *d.*

LXXIX. *Sect.* 2. It ſhall be lawful for the lords of council and ſeſſion in *Scotland*, or any one of them, to iſſue letters of horning, at the inſtance of the general collector or receiver of the annual rates impoſed by the ſaid act, againſt the miniſters, *&c.* liable to the ſame, for compelling payment of their rates or ſums principal or intereſt; and the ſaid letters of horning ſhall be executed, and other proceedings had thereon, as is now in uſe, with reſpect to hornings at the inſtance of miniſters compelling payment of their ſtipends; and no ſuſpenſion of any charge to be given in virtue of ſuch letters of horning ſhall be paſt without conſignation of the ſum charged for.

LXXX. *Sect.* 3. The truſtees may ſtop and deduct the one half of every annuity which ſhall become payable for the firſt time, at *Whitſunday* 1749. or at any *Whitſunday* thereafter, to the widow of every miniſter, *&c.* who ſhall not have paid a ſum equal to three years amount of the annuity correſpondent to his annual rate, and the like at every ſucceeding *Whitſunday*, during the life of ſuch widow; until either ſhe ſhall pay into the fund, or until ſuch deductions ſhall amount to as much, as together with the ſums paid by her huſband (without computing any intereſt thereon) ſhall be equal to three years of her annuity; and the truſtees are to ſtop out of the proviſion which ſhall become payable, at the ſaid terms of *Whitſunday* to the children of every miniſter, *&c.* who ſhall not have paid a ſum equal to the amount of three years annuity correſponding to his annual rate, ſo much as together with the ſums paid by him or deducted from his widow (without computing intereſt) ſhall be equal to three years of the ſaid correſponding annuity.

LXXXI. *Sect.* 4. The truſtees acting in the execution of the ſaid act, ſhall direct the ſums after-mentioned to be applied from year to year out of the firſt and readieſt of the whole produce, after defraying the expence of management, towards raiſing a fund to the extent of 30 *l.* of *Great Britain*, in the hands of each miniſter, *&c.* ſubject to the annual rates; and a further ſum of 50000 *l.* like money of capital, by their lending out of the after-mentioned ſums annually in the manner preſcribed by the ſaid act, *viz.* 3000 *l.* ſhall be ſo applied at *Whitſunday* in each of the years from 1749. to 1752. both incluſive, 2000 *l.* at *Whitſunday* in each of the years from 1753. to 1756. both incluſive, 1000 *l.* at *Whitſunday* in each of the years from 1757. to 1763. both incluſive, 400 *l.* at *Whitſunday* in each of the years from 1764. to 1770. both incluſive, and 200 *l.* at *Whitſunday* in the year 1771, and at *Whitſunday* in each year thereafter, until each miniſter, *&c.* ſubject to the annual rates have received 30 *l.* in loan, and likewiſe until the ſaid further capital of 50,000 *l.* be made up.

LXXXII. *Sect.* 5. If the annual produce in any one year computed from *Martinmas* to *Martinmas* exceed the charges of management, and the ſums hereby ordered to be applied for raiſing the ſtock, and the annuities due to the widows, and proviſions due to the children for that year, and the arrears of the annuities and proviſions for former years, ſuch ſurplus ſhall be applied to the raiſing the capital by lending out the ſame along with the ſums before appointed to be lent out for ſuch reſpective year.

LXXXIII. *Sect.*

LXXXIII. *Sect.* 6. Although the annual ſurplus aforeſaid for any one year computed from *Martinmas* to *Martinmas*, after payment of the charges of management, and of the ſum hereby appointed to be applied for raiſing of the ſtock or capital fund for that year, ſhall not be ſufficient to pay the whole annuities to widows, and proviſions to children, payable for that year, yet no incroachment ſhall be made upon the capital then raiſed, nor ſhall the farther raiſing thereof be thereby retarded; but ſuch deficiency ſhall firſt affect the childrens proviſions proportionably, and then the annuities of the widows proportionably, without regard to the order of time in which thoſe proviſions or annuities become due; and the ſame ſhall again be made good to them out of the ſurplus of the produce for ſucceeding years, in this order *viz.* after payment of the expence of management, and of the ſum for raiſing the ſtock, the widows annuities unpaid in the preceding year, ſhall be paid in the firſt place, and then the widows annuities of the current year, and after the ſaid annuities, the childrens proviſions of the former year or years, according to the order of time in which they become due, and laſtly, the childrens proviſions for the current year.

LXXXIV. *Sect.* 7. The capital ſhall at no time exceed the ſum of 50,000 *l.* over and above the ſum of 30 *l.* lent to each miniſter, *&c.* and after ſuch capital ſhall be raiſed the ſurplus of the annual income in any one year from *Martinmas* to *Martinmas*, after payment of the burdens for that year, including the arrears of former years ſhall at the *Whitſunday* when ſuch ſurplus ariſes be divided amongſt all the widows then intitled to annuities and all the children then intitled to proviſions; ſo as that each widow and each child receive a proportionable ſhare of ſuch ſurplus correſpondent to the extent of the annual rates of their deceaſed huſbands or fathers.

LXXXV. *Sect.* 8. All other regulations enacted by 17 *Geo.* 2. *cap.* 11. touching the ſecuring and management of the capital ſtock therein mentioned, and for making up any accidental diminution of, or preventing any incroachment upon the ſame, ſhall take place with regard to the capital ſtock hereby permitted to be raiſed.

LXXXVI. *Sect.* 9. The truſtees and their ſucceſſors ſhall hold the four ſtated regular meetings in the hall of the houſe built by the ſaid truſtees within the city of *Edinburgh* inſtead of the old church iſle of *Edinburgh*. And the remaining debt incurred for building the ſaid houſe, and the expence in keeping the ſame in repair, ſhall be deemed part of the neceſſary incidental expences provided for by the ſaid act, and ſhall be paid by the collector and be allowed him out of the annual receipts; provided the ſame and all other incidental expences do not in any one year exceed 40 *l.* of *Great Britain*.

LXXXVII. *Sect.* 10. Miniſters, *&c.* contributors who were in the ſaid church or univerſities at the commencement of the ſaid act, ſhall at *Candlemas* in each of the years 1750, 1751, 1752, 1753, 1754, 1755, according to the computation in *Scotland*, pay to the collector at *Edinburgh* legal intereſt of the 30 *l.* lent to them; and the produce ariſing from the difference betwixt the legal intereſt and the four *per cent.* payable on account of the loans of 30 *l.* lent to the contributors, ſhall be applied at the ſight and by direction of the truſtees for defraying the expence of obtaining this act, and for paying what ſhall on the 15th of *May* 1749. be reſting of the charge of building the houſe in *Edinburgh* for the meetings of the truſtees; and the ſurplus ſhall go towards increaſing the ſaid capital: and the ſaid additional intereſts ſhall not be computed as any part of the three years annuity which every contributor is to make good to the fund in the manner already directed.

LXXXVIII. *Sect.* 11. The heads, principals, and maſters in the univerſity of *Aberdeen*, or in the *King's College* and *Mareſhall College* of *Aberdeen*, ſhall be comprehended in this act and in the ſaid former act, and ſhall be ſubject to the annual rates and other burdens thereby or by this act impoſed, and their widows and children intitled to the privileges and proviſions therein contained, ſubject to the variations by this act provided, in like manner as the heads, *&c.* in the univerſities of *Saint Andrews* and *Glaſgow*.

LXXXIX. *Sect.* 12. This act ſhall be deemed a public act.

Nonconformiſts.

I. **Stat.** 19 *Geo.* 2. *cap.* 38. *ſect.* 1. All ſheriffs ſtewards and their deputies in *Scotland*, and the magiſtrates of royal boroughs, ſhall before the 1st of *November* 1746. inquire into the number and ſituation of epiſcopal meeting-houſes within their reſpective juriſdictions, and cauſe liſts to be made of the ſame, and to be entered in a book to be kept by the clerks belonging to their juriſdictions, and tranſmit copies thereof to the clerk of each houſe of parliament to be laid before the ſaid houſes at their next meeting.

II. *Sect.* 2. Every paſtor or miniſter of any epiſcopal congregation in *Scotland* ſhall before the 1st of *September* 1746. produce to the clerk of the ſhire, ſtewartry, or borough, a certificate of his having qualified himſelf by taking the oaths to his Majeſty; of which certificate the clerk ſhall make an entry in the book appointed for keeping a liſt of the meeting-houſes within that juriſdiction, which entry ſhall expreſs the name of the miniſter, and the ſituation and deſcription of the meeting-houſe where he officiates; copies of which entries ſhall be tranſmitted by the ſaid clerk to the clerk of each houſe of parliament; and the clerk of ſuch ſhire, *&c.* ſhall deliver two atteſted copies of ſuch certificate to ſuch miniſter, one to be by him fixed on the outſide of the meeting-houſe on or near the door, and the other in ſome conſpicuous place within ſuch meeting-houſe; for each of which copies 6 *d.* ſterling ſhall be paid and no more.

III. *Sect.* 3. Every miniſter who ſhall officiate in any epiſcopal meeting-houſe ſhall as often as he ſo officiates during the ſervice pray for the King by name, and for all the royal family, in the ſame form as in the liturgy of the church of *England*.

IV. *Sect.* 4. The ſheriffs, ſtewarts, and their deputies, and magiſtrates of boroughs ſhall after the 1st of *November* 1746. ſhut up the meeting-houſes whereof the miniſter ſhall not have produced to the clerks the certificate of his having been qualified, or wherein his Majeſty and the royal family ſhall not be prayed for in expreſs words; and ſhall not again give acceſs to the ſaid houſes, until the proprietor, tenant, or poſſeſſor enact himſelf with one or more ſureties in the court book of the ſaid ſheriff, ſteward, or royal borough, under the penalty of 100 *l.* ſterling, to be paid to the ſaid judges or magiſtrates, for the uſe of his Majeſty, that he ſhall not ſuffer ſuch houſe to be employed as an epiſcopal meeting by any miniſter not qualifying himſelf and conforming to the regulations before mentioned, during ſuch time as he ſhall continue proprietor, tenant, or poſſeſſor.

V. *Sect.* 5. If any perſon preſume to exerciſe the function of a miniſter of any epiſcopal meeting in *Scotland*, without having firſt cauſed his letters of orders to be entered on record, or without having firſt qualified himſelf by taking and ſubſcribing the oaths, in ſuch manner as all officers civil and military in *Scotland* are to take and ſubſcribe the ſame, or without having firſt produced, and cauſed to be entered, in the books to be kept by the clerk of the ſheriff, ſteward, or borough courts reſpectively where he is to officiate, his name and place of abode and the place where his meeting is to be held, and the certificate of his having taken the oaths; or in caſe any miniſter in ſuch epiſcopal meeting-houſe ſhall not as often as he officiates during divine ſervice pray for his Majeſty by name, and all the royal family, being convicted before any two juſtices of peace or any other judge competent of the place ſummarily, he ſhall for the firſt offence ſuffer impriſonment for ſix months; and for the ſecond, or any ſubſequent offence, being convicted before the court of juſticiary, or in any of the circuit courts, be adjudged to be tranſported to ſome of the plantations in *America* for life; and if he return into *Great Britain*, ſhall ſuffer impriſonment for life.

VI. *Sect.* 6. Any meeting, aſſembly, or congregation in *Scotland*, where there ſhall be five perſons or more aſſembled to hear divine ſervice, beſides thoſe of the houſhold, if it be in any houſe where there is a family inhabiting, or if it be in a place where there is no family inhabiting, then where any ſuch five or more ſhall be ſo aſſembled, and where divine ſervice ſhall be performed by a paſtor or miniſter, pro-

feſſing to be of the epiſcopal communion, ſhall be deemed an epiſcopal meeting houſe within this act.

VII. *Sect.* 7. The ſheriffs and ſtewards, and their deputies, and the magiſtrates of royal boroughs, ſhall make enquiry within their reſpective juriſdictions, concerning any offences againſt this act or other laws concerning miniſters officiating in any epiſcopal meeting-houſe in *Scotland*; and whenever they find that any meeting-houſe within their juriſdiction hath been ſet up without ſuch entry as aforeſaid, or that the miniſter hath neglected to pray for his Majeſty by name and all the royal family, they ſhall cauſe ſuch offences to be proſecuted before them, and ſhut up ſuch meeting-houſes, and inflict the penalties impoſed by this or other acts: and in caſe any information be given to the ſaid ſheriffs, *&c.* that any offence has been committed for which the penalty of tranſportation or impriſonment for life is hereby inflicted, they ſhall cauſe intimation to be made thereof in writing to his Majeſty's advocate for *Scotland*, who ſhall proſecute the ſame with effect.

VIII. *Sect.* 8. If any perſon reſort to any epiſcopal meeting houſe in *Scotland* hereby diſallowed, and ſhall not within five days give information of ſuch illegal meeting to ſome proper magiſtrate, ſuch perſon ſo offending, being convicted before any two juſtices of peace, or any other judge competent of the place ſummarily ſhall for the firſt offence forfeit 5 *l.* ſterling, one moiety to the uſe of his Majeſty and the other moiety to the uſe of the informer, and ſuffer impriſonment for ſix months, or until the ſame be paid; and for the ſecond or any ſubſequent offence being convicted before the court of juſticiary, or in any of the circuit courts, ſhall ſuffer impriſonment for two years from the date of ſuch conviction.

IX. *Sect.* 9. After the ſaid firſt of *September* no letters of orders of any miniſter of any epiſcopal meeting in *Scotland* ſhall be deemed ſufficient, or admitted to be regiſtered, but ſuch as have been given by ſome biſhop of the church of *England*, or *Ireland*; and the regiſtration of any other letters of orders ſhall be void.

X. *Sect.* 10. Every proſecution for any offence againſt this act ſhall be commenced within 12 months after ſuch offence committed.

XI. *Sect.* 11. No peer of *Scotland* ſhall be capable of being elected one of the ſixteen peers to ſit and vote in the houſe of peers in the parliament of *Great Britain*, or of voting in the election of any of the ſaid ſixteen peers, who ſhall have within one year preceding ſuch election been twice preſent at divine ſervice in any epiſcopal meeting in *Scotland*, not held in purſuance of 10 *Ann. cap.* 7. or diſallowed by this act; and it ſhall be competent for any peer of *Scotland*, preſent at the election of the ſaid 16 peers, or of any of them, to make this objection, and to prove the ſame by a witneſs upon oath, or by referring it to the oath of the peer ſo objected to; which oath the lord clerk regiſter, or either of the two clerks of ſeſſion appointed by him to officiate at ſuch election is to adminiſter; and in caſe the ſame be proved, or the peer ſo objected to ſhall admit the fact, or refuſe to depoſe concerning it, he ſhall be diſqualified from voting, or being choſen; but ſuch admiſſion or confeſſion at ſuch meeting for ſuch election, ſhall not be made uſe of, or given in evidence againſt ſuch peer, upon any proſecution for any penalty inflicted by this or any former act.

XII. *Sect.* 12. No perſon ſhall be capable of being elected, or of voting in any election of a member of parliament for any ſhire or borough in *Scotland*, or of being elected, or voting in the election of a magiſtrate or counſellor for boroughs, or of a deacon of crafts within burgh, or of a collector or clerk of the land tax or ſupply, who ſhall have within one year preceding ſuch election been twice preſent at divine ſervice in any epiſcopal meeting in *Scotland* not held in purſuance of 10 *Ann. cap.* 7. or diſallowed by this act: and it ſhall be competent for any candidate or member of the meeting for ſuch election to make this objection, and to prove the ſame by a witneſs upon oath, or by referring it to the oath of the perſon objected to, which oath the preſes or clerk of ſuch meeting is to adminiſter; and in caſe the ſame be proved, or the perſon ſo objected to admit the fact, or refuſe to depoſe concerning it, he ſhall be incapable of voting, or being choſen at ſuch election; but ſuch admiſſion or confeſſion at ſuch meeting for ſuch election, ſhall not be made uſe of, or given in evidence againſt ſuch perſon, upon any proſecution for any penalty inflicted by this or any former act.

XIII. *Sect.* 13. If any perſon holding any office civil or military in *Scotland* reſort to any epiſcopal meeting-houſe in *Scotland* diſallowed by this act, and be thereof convicted before any two juſtices of peace, or any other judge competent of the place, he ſhall be diſabled from thenceforth to hold ſuch office and ſhall forfeit the ſame, and ſhall be adjudged incapable to bear any office civil or military in *Scotland* for one year after the date of ſuch conviction.

XIV. *Sect.* 14. In caſe any of the ſaid judges or magiſtrates be guilty of any wilful neglect of their duty in the premiſſes, they ſhall forfeit 50 *l.* ſterling, *toties quoties*; one moiety to the informer, the other to the uſe of the poor of the pariſh where the offender reſides, to be recovered by ſummary complaint before the court of ſeſſion, or by proſecution before the court of juſticiary at *Edinburgh*, or at the circuit courts of juſticiary.

XV. **Stat.** 21 *Geo.* 2. *cap.* 34. *ſect.* 13. For clearing any doubt upon 19 *Geo.* 2. *cap.* 38. *ſect.* 9. it is enacted that no letters of orders, not granted by ſome biſhop of the church of *England*, or of *Ireland*, ſhall be ſufficient to qualify any miniſter of an epiſcopal meeting in *Scotland*, whether the ſame were regiſtered before or after the firſt of *September* 1746. and every ſuch regiſtration either before or after the ſaid firſt of *September* ſhall be void.

XVI. *Sect.* 21. In all proſecutions for offences againſt the act 19 *Geo.* 2. *cap.* 38. it ſhall be lawful to produce as witneſſes, whether againſt the miniſter or hearers, other perſons preſent, who may have been guilty of offending againſt the ſaid act; but the evidence given by ſuch witneſſes ſhall not be made uſe of againſt themſelves upon any proſecution for any penalty inflicted by the ſaid act.

Oaths.

I. **Stat.** 19 *Geo.* 2. *cap.* 39. *ſect.* 23. No perſon ſhall exerciſe the employment of a chaplain in any family in *Scotland*, or of a governor, tutor, or teacher of children reſiding in *Scotland*, or beyond the ſeas, without firſt taking the oaths appointed to be taken by perſons in offices of public truſt, and cauſing a certificate of his having done ſo to be regiſtered in a book to be kept by the clerks of the ſhires, ſtewartries, or burghs in *Scotland*, where ſuch perſon reſides; or in caſe of any ſuch governor, *&c.* of children acting in parts beyond the ſeas, in a book to be kept by the clerk of the ſhire, *&c.* where the parent or guardian of ſuch child reſides. And if any perſon exerciſe the employment of chaplain in any family in *Scotland* or of a governor or teacher of children as aforeſaid, without having taken the ſaid oaths, and cauſed the certificate of his having taken the ſame to be regiſtered, being convicted before two juſtices of the peace or any other judge competent of the place ſummarily, he ſhall for the firſt offence ſuffer impriſonment for ſix months; and for the ſecond or any ſubſequent offence, being convicted before the court of juſticiary, or in any of the circuit courts, be baniſhed from *Great Britain* for ſeven years.

II. *Sect.* 24. It ſhall be lawful for every chaplain, ſchoolmaſter, governor, tutor, or teacher of youth, who is of the communion of the church of *Scotland*, inſtead of the oath of abjuration appointed to be taken by perſons in offices civil or military, to take the oath directed to be taken by preachers and expectants in divinity of the eſtabliſhed church of *Scotland*, by 5 *Geo.* 1. *cap.* 29.

III. *Sect.* 25. No perſon in *Scotland* ſhall entertain any perſon or chaplain in any family, or as governor, tutor, or teacher of any child, unleſs the certificate of ſuch perſon's having taken the oaths to his Majeſty be regiſtered; and every perſon offending, being convicted before two juſtices of peace, or any other judge competent, ſhall, for the firſt offence ſuffer impriſonment for ſix months; and for the ſecond or any ſubſequent offence being convicted before the court of juſticiary, or in any of the circuit courts in *Scotland*, ſuffer impriſonment two years.

IV. *Sect.* 26. The ſheriffs of ſhires, and ſtewarts of ſtewartries, and magiſtrates of burghs in *Scotland*, ſhall make enquiry within their reſpective juriſdictions, concerning offences againſt this act, and cauſe the ſame being the firſt offence to be proſecuted before themſelves; and in caſe of a ſecond or ſubſequent offence to give notice thereof,

and

and of the evidence, to his Majeſty's advocate, who is to proſecute before the court of juſticiary, or at the circuit courts.

V. **Stat.** 20 *Geo.* 2. *cap.* 43. *ſect.* 44. After the 29th of *September* 1747. it ſhall not be lawful for any perſon in *Scotland*, to act as a writer, agent, or ſolicitor, or to manage any cauſe, or buſineſs, in the court of ſeſſion, court of juſticiary, (whether at *Edinburgh*, or in the circuit courts) or in the court of Exchequer, until he has firſt taken and ſubſcribed the oaths in the court of ſeſſion or juſticiary, or in one of the ſheriff's or ſtewart's courts, appointed to be taken by perſons in offices in *Scotland*; and cauſed a certificate of his having ſo done to be regiſtered in the court where he ſo officiates: and it ſhall not be lawful for any perſon to act as a procurator, writer, agent, or ſolicitor, or to plead, or manage any cauſe, or buſineſs, in the court of any ſheriff, or ſtewart in *Scotland*, or any other inferior court, until he has firſt taken and ſubſcribed the ſaid oaths, and cauſed a certificate thereof to be regiſtered in ſuch court where he officiates: and every ſuch court ſhall, upon the demand of ſuch perſons, adminiſter and regiſter ſuch oaths. And every perſon acting in manner above-mentioned without having firſt taken and ſubſcribed the ſaid oaths, and cauſed a certificate thereof to be regiſtered as herein directed, ſhall for every ſuch offence, being convicted in any court where the offence has been committed, or before the court of ſeſſion, or juſticiary, upon a ſummary trial, forfeit 20*l.* ſterling, one moiety to his Majeſty, and the other moiety to the informer, and ſhall ſuffer impriſonment for ſix months, unleſs or until the ſame be paid.

VI. **Stat.** 21 *Geo.* 2. *cap.* 34. *ſect.* 11. Any perſon being or pretending to be in holy orders, other than the miniſters elders or preachers of the eſtabliſhed church of *Scotland*, who ſhall preach or perform any divine ſervice in any houſe or family of which he is not the maſter, in the hearing of any other perſon, whether of the family or not, ſhall be deemed a chaplain, within the 19 *Geo.* 2. *cap.* 39.

VII. *Sect.* 14. The governor, deputy governor, director, ſecretary, caſhier, treaſurer, accountant or teller of either of the banks in *Scotland*, viz. the bank of *Scotland*, or the royal bank, ſhall within three months after he ſhall take upon him ſuch employment, take and ſubſcribe the oaths of allegiance and abjuration, and ſubſcribe the aſſurance appointed to be taken by perſons in offices of public truſt in *Scotland*, either in the court of ſeſſion, court of juſticiary, or in the ſheriff or ſtewart's court of the county or ſtewartry where he reſides, or in one of the courts at *Weſtminſter*: the taking and ſubſcribing of which oaths and aſſurance ſhall be entered on a roll, and be kept amongſt the records of the ſaid courts.

VIII. *Sect.* 15. Every ſuch perſon who ſhall neglect to take and ſubſcribe the ſaid oaths, or ſubſcribe the ſaid aſſurance in ſome of the ſaid courts within the times aforeſaid, ſhall be *ipſo facto* diſabled to exerciſe ſuch employment, and if any ſuch perſon after ſuch neglect exerciſe ſuch employment, he ſhall be liable to the ſame penalties as perſons executing offices of public truſt in *Scotland* who have neglected to take the oaths.

IX. *Sect.* 16. No perſon ſhall act as extractor to the court of ſeſſion, or as clerk to, or keeper of the hand rolls of any of the lords of ſeſſion or juſticiary, or as clerk to any advocate, or as clerk or firſt ſervant to any of the principal or under clerks of ſeſſion or juſticiary, or as keeper or under keeper of the regiſter of bonds in any of the ſaid clerks offices, or other offices of regiſters, or as collectors or ſub collectors of the fees of the lord regiſter, or clerks of the ſeſſion, unleſs he firſt take the oaths, and ſubſcribe the aſſurance, appointed to be taken by perſons in offices of public truſt in *Scotland*, and cauſe a certificate thereof to be regiſtered in a book kept for that purpoſe; and the lords of the ſeſſion are to cauſe ſuch book to be kept by one of the principal clerks of the ſeſſion, who is to enter the names of the perſons taking the ſaid oaths, and ſubſcribing the ſaid aſſurance, in ſuch books, upon their taking ſuch oaths and ſubſcribing ſuch aſſurance, before the lords of the ſeſſion, upon certificate from the proper officer of ſuch other courts where the ſame ſhall be taken and ſubſcribed; and the lords of the ſeſſion ſhall cauſe liſts of the ſaid perſons to be affixed every firſt and laſt day of every ſeſſion, in the outer and inner houſe of the ſaid court, and to be kept up there conſtantly, till new liſts are fixt up; and

and in caſe any perſon act as aforeſaid before he has ſo taken the oaths and ſubſcribed the aſſurance, he ſhall be ſubject to the ſame diſabilities and penalties, as if he was writer agent or ſolicitor within the intent of the 20 *Geo.* 2. *cap.* 43. and the lords of ſeſſion are to give ſuch orders to their clerks or other inferior officers as they judge neceſſary, for diſcovering and puniſhing ſuch of the ſaid perſons, and ſuch writers, agents, or ſolicitors, who ſhall not qualify themſelves according to this and the ſaid act, and to puniſh ſuch officers of their court as neglect to obey ſuch orders, or wilfully conceal ſuch offenders.

Outlawry.

I. **Stat.** 22 *Geo.* 2. *cap.* 48. *ſect.* 1. In caſe any perſon be indicted for high treaſon, or miſpriſion of high treaſon in *Scotland*, and be not in cuſtody, the court wherein ſuch indictment is found, or to which the ſame is certified, ſhall iſſue one writ of *Capias* againſt ſuch perſon directed to the ſheriff or ſtewart of the county or ſtewartry wherein ſuch indictment is found, and returnable in the ſame court 42 days at leaſt after the teſte thereof or a longer time by the diſcretion of the ſaid court; which writ ſhall be delivered to ſuch ſheriff, *&c.* who ſhall endeavour to apprehend the defendant within his county, *&c.* and if the defendant be named in the ſaid writ of any place in any county, *&c.* other than that in which ſuch indictment is found, then the ſaid court ſhall iſſue one other writ of *Capias* to the ſheriff or ſtewart of ſuch other county or ſtewartry of the ſame teſte, return, and import with the firſt-mentioned writ of *Capias*; and if ſuch reſpective ſheriff, *&c.* return to both the ſaid writs, or to the firſt writ (where only one iſſued) that the defendant is not to be found within the reſpective counties, *&c.* then the ſame court ſhall iſſue two other writs, the one a writ of proclamation, the other a writ of exigent, and teſted the day of the return of the ſaid writ or writs of *Capias*, and directed to the ſheriff, *&c.* of the county, *&c.* in which the place of which the defendant is named in the indictment lieth; and ſuch writs ſhall be both returnable on the ſame future day, and ſhall be delivered to ſuch ſheriff, *&c.* who ſhall execute and return the ſame in the manner following, *viz.* By virtue of the writ of proclamation, the ſheriff, *&c.* ſhall cauſe the defendant to be proclaimed three times, *viz.* once at the court of the ſheriff or ſtewart depute of ſuch ſhire or ſtewartry, and a ſecond time at the quarter ſeſſions of the peace for the ſame county or ſtewartry, and a third time near to the church door, or if there be no church, in ſome public part of the pariſh or place of which the defendant is named in the indictment, between ten in the morning and two in the afternoon, and ſuch third proclamation ſhall be made twenty eight days at leaſt before the fifth and laſt ſheriff's or ſtewart's depute court, at which the defendant is to be called by virtue of the writ of exigent; and by virtue of the writ of exigent, the ſheriff, *&c.* ſhall cauſe the defendant to be called to appear at each of the five ſucceſſive courts to be held by the ſheriff or ſtewart depute for the ſaid county, *&c.* and if the defendant appear not and ſurrender himſelf ſo as to be forth coming to juſtice at ſome one or other of the ſaid courts, at which he is ſo proclaimed, the ſheriff or ſtewart depute ſhall at the laſt of the ſaid five courts pronounce judgement of outlawry againſt him, and ſign ſuch judgement; and the ſheriff ſhall return the ſame, and the writs of proclamation and exigent, into the court from whence the ſame iſſued, together with indorſements on each, certifying that the ſaid ſheriff, *&c.* has done every thing required of him by the ſaid writs, and that the defendant did not appear (if that be the caſe) and thereupon ſuch defendant ſhall be outlawed for ſuch high treaſon, or miſpriſion of high treaſon; and the defendant ſo outlawed for high treaſon, ſhall be attainted of ſuch high treaſon as is contained in ſuch indictment, and be ſubject to the like execution and corruption of blood, and to the like pains penalties and proceſſes with reſpect to his eſtates real and perſonal moveable and immoveable to which perſons attainted of high treaſon are by law ſubject; and the defendant ſo outlawed for miſpriſion of high treaſon ſhall be ſubject to the like forfeitures and proceſſes out of the court where the ſaid writs and judgements of outlawry are returned, and alſo out of the court of *Exchequer* in *Scotland*, to ſeize the perſon and eſtate, and goods of ſuch defendant, as

perſons outlawed according to the law of *England* for miſpriſion of high treaſon are liable to; and all defendants outlawed for high treaſon or miſpriſion of high treaſon in *Scotland*, ſhall as near as can be have all the like writs methods remedies and advantages, in the like manner and time and on the like conditions, for avoiding falſifying or reverſing ſuch outlawry, as may be had by the law of *England*; excepting ſo far as the forms of proceeding are varied and ſettled by this act. And all the writs before-mentioned, with the returns thereof, and judgements of outlawry, ſhall be recorded and preſerved in the court to which the ſaid writs are returned, unleſs removed by courſe of law.

II. *Sect.* 2. The ſheriffs or ſtewarts to whom the ſaid writs of proclamation and exigent are directed ſhall forthwith cauſe five ſucceſſive courts of the ſheriff or ſtewart depute to be held for the purpoſes before-mentioned, three days notice being firſt given, before the firſt court at the head borough of the county or ſtewartry, of the times and places where ſuch courts ſhall be held; and the firſt of the ſaid five courts, at which the defendant is called by virtue of the writ of exigent, ſhall be held within 20 days after the delivery thereof to the ſheriff, *&c.* and each of the four ſucceſſive courts ſhall be held at the end of four weeks from the court preceding.

III. *Sect.* 3. All the ſaid writs of *Capias*, proclamation, and exigent, ſhall be in the name of his Majeſty, under the ſeal of ſuch courts from whence the ſame iſſue, and ſuch writ of *Capias* ſhall contain a command to the ſheriff, *&c.* to take the defendant and bring him before the court whence the ſaid writ iſſues, at a certain time and place therein mentioned; and the writ of proclamation ſhall command ſuch ſheriff, *&c.* to take the defendant and have him before ſuch court, at a certain time and place therein mentioned; and if he cannot be found within his ſhire, *&c.* then to cauſe public proclamation to be made in the court of the ſheriff depute, *&c.* at the general quarter ſeſſions of the peace for the ſame ſhire, *&c.* and at the door of the church, or if no church at ſome open part of the place, of which ſuch defendant is named in ſuch indictment, that he be before the court from whence ſuch writ iſſues at a certain time and place therein mentioned; and the ſaid writ of exigent ſhall contain a command to the ſheriff, *&c.* to cauſe the defendant to be called from court to court of the ſheriff, *&c.* until he be outlawed; and if he appear then to take him and have his body before the court, whence ſuch writ of exigent iſſues at a certain time and place therein mentioned, to anſwer to his Majeſty for the crime of which he is indicted.

IV. *Sect.* 4. If any perſon ſo outlawed for high treaſon at the time of ſuch outlawry pronounced be inhabitant out of the limits of *Great Britain*, and within one year after ſuch outlawry pronounced yield himſelf to the lord juſtice general, juſtice clerk, or any of the commiſſioners of juſticiary in *Scotland*, he ſhall be at liberty to traverſe the indictment on which ſuch outlawry is pronounced, and take his trial thereupon; and in caſe he be found not guilty by verdict of the jury, he ſhall be diſcharged of the ſaid outlawry and all penalties and forfeitures for the ſame.

Parliament.

I. **Stat.** 16 *Geo.* 2. *cap.* 11. *ſect.* 1. So much of 12 *Ann. ſt.* 1. *cap.* 6. *ſect.* 3. as enacts, that no perſons who have not been inrolled and voted at former elections, ſhall be inrolled or admitted to vote at any election, except they firſt produce a ſufficient title to qualify them to the ſatisfaction of the freeholders formerly inrolled, and that the returning officers make their returns of the perſons elected by the majority of the freeholders inrolled and thoſe admitted by them, reſerving always the liberty of objecting againſt the perſons admitted to or excluded from the roll, ſhall be repealed.

II. *Sect.* 2. Such perſons as ſtand upon the roll laſt made up by the freeholders, whether at the *Michaelmas* meeting or at the laſt election of a member to ſerve in parliament, ſhall be the original conſtituent members at their next *Michaelmas* meeting, or meeting for election, to reviſe the ſaid roll.

III. *Sect.* 3. It ſhall be lawful for any freeholder upon the roll, to object to the title of any perſon who ſtands at preſent upon the roll laſt made up, and for that purpoſe to apply at any time before the firſt of *December* 1743, by ſummary complaint to the court of ſeſſion, who ſhall grant a warrant for ſummoning ſuch perſons upon 30 days notice, and ſhall in a ſummary way hear and determine ſuch complaint; and if no ſuch complaint be exhibited within the time aforeſaid, then no freeholder, who at preſent ſtands upon the rolls laſt made up ſhall be ſtruck off or left out of the roll, except upon objections ariſing from the alteration of that title in reſpect of which he was inrolled ſuſtained by the other freeholders upon the roll.

IV. *Sect.* 4. If at any *Michaelmas* meeting, or meeting for election, any perſon ſhall by judgement of the freeholders be refuſed to be admitted, or be ſtruck out of the roll, it ſhall be lawful for him to apply within four kalendar months by ſummary complaint to the court of ſeſſion, who ſhall grant a warrant for ſummoning the perſon upon whoſe objection he was refuſed or ſtruck off, upon 30 days notice to anſwer, and ſhall hear and determine in a ſummary way on ſuch complaint; and if any perſon be inrolled whoſe title ſhall be thought liable to objection, it ſhall be lawful for any freeholder upon the ſaid roll (whether preſent at the meeting or not) to apply in like manner by complaint to the court of ſeſſion within four kalendar months, and the ſaid court, after ſervice of ſuch complaint on 30 days notice upon the perſons ſaid to be wrongfully admitted to the roll, ſhall hear and determine; and if no ſuch complaint be exhibited within the time aforeſaid, the freeholder inrolled ſhall continue upon the roll, until an alteration of his circumſtances be allowed by the freeholders at a ſubſequent *Michaelmas* meeting, or meeting for election, as a ſufficient cauſe for ſtriking him out of the roll.

V. *Sect.* 5. If in any of the aforeſaid caſes the judgement of the court of ſeſſion ſhall alter or reverſe the determination of the meeting of the freeholders, the ſheriff or ſteward's clerk ſhall, upon preſenting to him the extract of ſuch judgement, forthwith make the alteration directed in the books kept by him; and in caſe of refuſal or delay, he ſhall forfeit 100 *l.* ſterling to the perſon in whoſe favour the judgement of the court is given, to be recovered by him or his executors.

VI. *Sect.* 6. If the judgement of the freeholders refuſing to admit, or ſtriking off any perſon from the ſaid roll be affixed by the court of ſeſſion, the perſon complaining ſhall forfeit to the objector the ſum of 30 *l.* ſterling, with coſts.

VII. *Sect.* 7. Every freeholder who intends to claim to be inrolled at any *Michaelmas* meeting of the freeholders, ſhall two kalendar months at leaſt before the ſaid meeting, leave with the ſheriff or ſteward's clerk a copy of his claim, ſetting forth the names of his lands and his titles thereto, and dates thereof, with the old extent upon which he deſires to be inrolled, and in caſe of his neglect he ſhall not be inrolled at ſuch meeting; and in like manner, whoever intends to object to any freeholder who ſtands upon the roll, on account of the alteration of his circumſtances, ſhall at leaſt two kalendar months before the *Michaelmas* meeting leave his objections in writing with the ſheriff or ſteward's clerk, who ſhall upon receipt of the aforeſaid claim or objections indorſe thereon the day he received the ſame, and alſo give a copy to any perſon upon paying the legal fee of an ordinary extract of the ſame length.

VIII. *Sect.* 8. No perſon ſhall be intitled to vote for a commiſſioner to ſerve in parliament for any ſhire or ſtewartry in *Scotland*, or to be inrolled in reſpect of the old extent of his lands holden of the king or prince, unleſs ſuch old extent is proved by a retour of the lands of a date prior to the 16th of *September* 1681; and that no diviſion of the old extent made ſince the ſaid 16th of *September* 1681, by retour or any other way ſhall be ſuſtained as evidence of the old extent.

IX. *Sect.* 9. Lands holden of the king or prince liable in public burdens for 400 *l. Scots* of valued rent ſhall be a ſufficient qualification, whatever be the old extent of the ſaid lands.

X. *Sect.* 10. No purchaſer, or ſingular ſucceſſor, ſhall be inrolled till he be publicly infeoft, and his ſeiſin regiſtered, or charter of confirmation be expede, (where confirmation is neceſſary) one year before the inrolment; and no heir apparent ſhall be inrolled, until his predeceſſors titles are produced and allowed by the freeholders, and any perſon may be inrolled, though abſent, provided the titles and vouchers of his qualification

qualification are produced before the freeholders; and if any perſon be choſen a member to ſerve in parliament for any ſhire or ſtewartry in *Scotland*, who ſhall not be preſent at the meeting of election; the member ſo elected, before he takes his ſeat in parliament, ſhall take the oath appointed to be taken by freeholders claiming to vote at elections by 7 *Geo.* 2. *cap.* 16. before the lord ſteward of his majeſty's houſhold, or any perſon authorized by him, and if a member ſo elected neglect or refuſe to take the aforeſaid oath, ſuch election ſhall be void.

XI. *Sect.* 11. At the annual meetings of the freeholders at *Michaelmas*, the original conſtituent members ſhall be ſuch only as ſtand upon the roll laſt made up, at a *Michaelmas* meeting or at a meeting for an election of a member to ſerve in parliament, and a copy ſigned and extracted of the roll made up at the *Michaelmas* meetings, or meetings for elections, together with the minutes of the proceedings ſhall by the clerks of ſuch meetings be delivered to the ſheriff or ſteward's clerk *gratis*, and ſhall be inſerted in books to be kept by the ſaid ſheriff or ſteward's clerk for that purpoſe, who ſhall deliver copies of the ſame extracted and ſigned to any freeholder paying the legal fee for an ordinary extract of the ſame length, and ſhall at every ſubſequent meeting produce the ſaid books, for the uſe of the freeholders; and in caſe ſuch ſheriff or ſteward's clerk neglect or refuſe to enter the aforeſaid rolls of election or minutes of proceedings into books ſo to be kept, or to give copies thereof extracted and ſigned, or to produce the books at any ſubſequent meeting, he ſhall for every ſuch offence forfeit 100 *l.* ſterling, to be recovered by any freeholder within ſuch ſhire or ſtewartry; and if the aforeſaid principal books be not produced, a copy of the ſaid roll and minutes extracted and ſigned by the ſheriff or ſteward's clerk ſhall be ſufficient; and if the ſheriff or ſteward's clerk give falſe copies of the ſaid roll or minutes, he ſhall for every ſuch offence forfeit 100 *l.* ſterling to the perſon to whom the falſe copy is given, to be recovered by him or his executors, and ſhall be incapable of holding his ſaid office.

XII. *Sect.* 12. At every election for any ſhire or ſtewartry in *Scotland*, the roll of electors laſt made up, whether at the *Michaelmas* meeting or at the laſt election, ſhall be the roll to be called over by the commiſſioner laſt elected, or in his abſence by the ſheriff or ſteward's clerk, in order to the election of preſes and clerk, as alſo by the preſes after he is choſen, for the choice of the member and for the determination of all queſtions in adjuſting the roll, and in the courſe of the election, excepting ſo far as the ſaid roll ſhall after the choice of preſes and clerk be altered by judgement of the freeholders ſtanding on that roll.

XIII. *Sect.* 13. At every meeting for an election of a commiſſioner to ſerve in parliament, if the commiſſioner laſt elected, or in his abſence the ſheriff or ſtewards clerk, ſhall in the choice of preſes or clerk receive the vote of any perſon not upon the roll, he ſhall, for every ſuch offence forfeit 300 *l.* ſterling to every candidate for the office of preſes or clerk, for whom ſuch perſon ſhall not have given his vote, to be recovered by him or his executors; or if the commiſſioner laſt elected, or the ſheriff or ſteward's clerk, ſhall in the choice of preſes or clerk not call for or refuſe the vote of any perſon whoſe name is upon the roll, he ſhall for every ſuch offence forfeit 300 *l.* ſterling to the perſon whoſe name ſhall not be called for, or whoſe vote ſhall be refuſed, to be recovered by him or his executors; and if the preſes in the election of the member to ſerve in parliament, receive the vote of any perſon not upon the roll, he ſhall for every ſuch offence forfeit 200 *l.* ſterling to every candidate for whom ſuch perſon ſhall not have given his vote, to be recovered by him or his executors, or if the preſes ſhall in the election of the member not call for or refuſe the vote of any perſon whoſe name is upon the roll, he ſhall for every ſuch offence forfeit 200 *l.* ſterling to the perſon whoſe name ſhall not be called for, or whoſe vote ſhall be refuſed, to be recovered by him or his executors. And in caſe of equality of votes in the choice of preſes or clerk, the commiſſioner laſt elected, and in his abſence any freeholder preſent who laſt repreſented the ſhire or ſtewartry in any former parliament, and if no ſuch perſon is preſent, the freeholder preſent who preſided laſt at any meeting for any election, and in his abſence the freeholder who laſt preſided at any *Michaelmas* meeting, and if none of the ſaid perſons be preſent, the freeholder preſent who ſtands firſt on the roll, ſhall beſides their own votes have the caſting vote; and the preſes

preſes choſen ſhall in the choice of the commiſſioner to ſerve in parliament and all other queſtions where the votes are equal, in like manner beſides his own vote having the caſting vote.

XIV. *Sect.* 14. The perſons choſen to be preſes and clerk by the majority of the freeholders preſent on the ſaid roll, ſhall be preſes and clerk of the meeting for ſuch election; and it ſhall not be lawful for any number of freeholders to ſeparate from the majority of the perſons preſent upon the roll, and ſet up any perſon as preſes or clerk other than thoſe choſen by the majority, and it ſhall not be lawful for any perſon to act as preſes or clerk at any ſuch election, unleſs they are choſen by the majority of perſons on the roll; and every freeholder who ſhall ſo ſeparate from the majority, and ſet up any perſon as preſes or clerk other than thoſe choſen by the majority, ſhall for every ſuch offence forfeit 50 *l.* ſterling, to the candidate who ſhall be choſen by the majority, to be recovered by him or his executors; and if any perſon preſume to act as preſes or clerk, who is not choſen by the majority of the freeholders preſent on the roll, he ſhall for every ſuch offence forfeit 200 *l.* ſterling to the candidate who ſhall be choſen by the majority, to be recovered by him or his executors.

XV. *Sect.* 15. The commiſſioner laſt elected, or in his abſence the ſheriff or ſteward's clerk, ſhall ſign the minutes of the election of preſes and clerk, and deliver the ſame to the clerk choſen as aforeſaid; and if the commiſſioner laſt elected, or the ſheriff or ſteward's clerk, neglect or refuſe to ſign the ſaid minutes, and deliver the ſame to the clerk choſen as aforeſaid, or ſign falſe minutes, he ſhall for every ſuch offence forfeit 100 *l.* ſterling to the preſes, to be recovered by him or his executors.

XVI. *Sect.* 16. The clerk choſen ſhall return to the ſheriff or ſteward ſuch perſon as ſhall be elected by the majority of the freeholders on the roll made up at the meeting for election, and if he refuſe or neglect ſo to return, or return any other perſon, he ſhall for every ſuch offence inſtead of the penalty inflicted by 7 *Geo.* 2. *cap.* 16. forfeit 500 *l.* ſterling to the candidate choſen by the majority of the freeholders on the roll; to be recovered by him or his executors.

XVII. *Sect.* 17. Every ſheriff or ſteward in *Scotland*, upon producing to him a copy of the roll laſt made up by the freeholders at the laſt *Michaelmas* meeting or at the laſt election, extracted and ſigned by the ſheriff or ſteward's clerk, and the original minutes of the election of preſes and clerk ſigned by the commiſſioner laſt elected, or in his abſence by the ſheriff or ſteward's clerk, ſhall annex to the writ the return made by the clerk choſen by the majority of the freeholders on the roll; and if any ſheriff or ſteward neglect or refuſe to annex to the writ ſuch return, or ſhall annex the return made by any other perſon pretending to be clerk, he ſhall for every ſuch offence, inſtead of the penalty inflicted by 7 *Geo.* 2. *cap.* 16. forfeit 500 *l.* ſterling, to the perſon returned by the clerk and choſen by the majority of the freeholders, to be recovered by him or his executors.

XVIII. *Sect.* 18. Every ſheriff or ſteward in *Scotland*, ſhall hold the *Michaelmas* head court on the day on which it has been moſt uſually held; and every ſheriff or ſteward ſhall 14 days before *Michaelmas* next, appoint a day for holding his *Michaelmas* head court in the year 1743. And the days ſo appointed before *Michaelmas* next, ſhall be the anniverſary for holding the *Michaelmas* head court of the ſaid ſhire or ſtewartry in all time coming.

XIX. *Sect.* 19. In the ſhire of *Sutherland* no perſon ſhall be elected commiſſioner for the ſaid ſhire, or vote at ſuch election, unleſs he be infeoft and in poſſeſſion of lands liable to his Majeſty's ſupplies and other public burthens, at the rate of 200 *l.* *Scots* valued rent.

XX. *Sect.* 20. One perſon only ſhall be intitled to vote at ſuch elections, or to be elected in reſpect of the ſame lands; and where lands are now holden by any baron or freeholder immediately of the King or prince, ſuch baron or freeholder ſhall be capable to be elected, and ſhall be intitled to vote for thoſe lands; and no vaſſal, or ſub-vaſſal of the ſaid baron or freeholder ſhall have right to vote, or to be elected in reſpect thereof; and where lands are now holden or ſhall hereafter be holden of the King or prince, by a peer or other perſon or body politic who by law are diſabled to be a member of the houſe of commons, or to vote in ſuch elections, the proprietor of

ſuch lands, and not any of his ſuperiors, ſhall be intitled to vote or be elected, in reſpect of the ſame lands; and no alienation of the ſuperiority by ſuch peer, *&c.* ſhall deprive the proprietor of his right to vote in the ſaid ſhire or to be elected; nor intitle the purchaſer of the ſuperiority to vote or to be elected; and the property of lands of the valuation aforeſaid, holden in part of the King or prince, and in part of a peer, or other perſon or body politic incapable to elect or to be elected, ſhall be a qualification to the proprietor to vote, and to be elected for the ſaid ſhire.

XXI. *Sect.* 21. The freeholders and proprietors, having right to elect or to be elected for the ſhire of *Sutherland*, ſhall meet at the head borough of the ſaid ſhire, at the *Michaelmas* head court in the year 1745, and ſhall make up a roll of the electors having right to vote in the terms of this act and of the other acts touching the election of commiſſioners for ſhires in *Scotland*; which roll ſo made up ſhall be reviſed yearly at the *Michaelmas* meetings and at after elections: and the ſaid acts ſhall extend to the ſhire of *Sutherland* as well as to the other ſhires in *Scotland*, except ſo far as is otherwiſe provided by this act.

XXII. *Sect.* 22. At the annual election of magiſtrates and counſellors in boroughs and in all the proceedings previous to ſuch election it ſhall not be lawful for the minority either of magiſtrates or counſellors, or deacons, or other perſons who have votes in the election of magiſtrates or counſellors, to ſeparate from the majority; nor to make any ſeparate election of magiſtrates counſellors or electors; and if any perſon elected by the minority preſume to vote in the election of magiſtrates or counſellors, or in leeting the magiſtrates or counſellors, or in any other ſtep of the election, he ſhall forfeit 100 *l.* ſterling to any one of the majority of ſuch meeting.

XXIII. *Sect.* 23. No perſon elected magiſtrate or counſellor by a minority ſhall act as magiſtrate or counſellor; and if any perſon notwithſtanding preſume to act he ſhall for every ſuch offence forfeit 100 *l.* ſterling to the magiſtrates or counſellors elected by the majority, or to any of them who ſhall ſue for the ſame.

XXIV. *Sect.* 24. It ſhall be lawful for any conſtituent member at any meeting for election of magiſtrates or counſellors, or of any meeting previous thereto, who apprehends any wrong to have been done by the majority of ſuch meeting, to apply to the court of ſeſſion by a ſummary complaint for rectifying ſuch abuſe, or for making void the election by the majority, or for aſcertaining the election by the minority, ſo as ſuch complaint be preſented within two kalendar months after the annual election of the magiſtrates and counſellors; and the ſaid court ſhall thereupon grant a warrant for ſummoning the magiſtrates and counſellors elected by the majority, upon 30 days notice, and ſhall hear and determine the ſaid complaint ſummarily, without abiding the courſe of any roll, and ſhall allow to the party who ſhall prevail their coſts.

XXV. *Sect.* 25. It ſhall be lawful to the magiſtrates and counſellors of royal boroughs in *Scotland* to take and ſubſcribe the oath of allegiance, ſubſcribe the aſſurance, and take and ſign the oath of abjuration, before the council of their reſpective boroughs.

XXVI. *Sect.* 26. At every election of commiſſioners for chooſing burgeſſes for any diſtrict of boroughs in *Scotland*, the common clerk of each borough ſhall make out a commiſſion to the perſon choſen by the major part of the magiſtrates and town council; which magiſtrates and town council ſhall take the oath of allegiance, and ſign the ſame with the aſſurance, and ſhall take all the other oaths appointed to be taken at ſuch election by this or any former act, if required; and the ſaid clerk ſhall affix the common ſeal of the borough thereto, and ſign ſuch commiſſion, and ſhall not make out a commiſſion for any perſon as commiſſioner, other than him who is choſen by the majority; and if any common clerk of any borough neglect or refuſe to make out ſuch commiſſion, or make out a commiſſion to any other perſon he ſhall for every ſuch offence forfeit 500 *l.* ſterling to the perſon elected commiſſioner, to be recovered by him or his executors, and ſhall ſuffer impriſonment for ſix kalendar months, and be diſabled to hold the ſaid office of common clerk of the ſaid borough.

XXVII. *Sect.* 27. If any perſon who is not the common clerk of the borough, take upon himſelf to act as ſuch in any election of a commiſſioner for chooſing a burgeſs for any diſtrict of boroughs in *Scotland*, and make out a commiſſion for any other perſon as commiſſioner, other than the perſon choſen by the majority, and ſign or affix

affix the common ſeal of the borough thereto, he ſhall for every ſuch offence forfeit 500 *l.* ſterling, to the commiſſioner for the ſaid borough, to be recovered by him or his executors.

XXVIII. *Sect.* 28. Whereas by an act of parliament in *Scotland* of the 5th of *Feb.* 1707. it is enacted, that where the votes of the commiſſioners for the boroughs met to chooſe repreſentatives ſhall be equal, the preſident of the meeting ſhall have a caſting vote, but no proviſion is made in caſe of the abſence of the commiſſioner from the preſiding borough or of his refuſing to vote; be it enacted, that if the commiſſioner from the preſiding borough be abſent from the meeting of commiſſioners for chooſing burgeſſes to ſerve in parliament, or refuſe to vote, the commiſſioner from the borough which was the preſiding borough at the laſt election, and if he alſo be abſent or refuſe to vote, the commiſſioner from the borough which was the preſiding borough at the election immediately preceding the laſt, and in caſe he be abſent or refuſe to vote, the commiſſioner from the borough which was the laſt preſiding borough but two, ſhall have beſides his own vote the caſting vote.

XXIX. *Sect.* 29. It is no objection to any commiſſioner for chooſing a burgeſs that he is not a reſidenter within the borough bearing all portable charges with his neighbours, or that he is no trafficking merchant therein, or that he is not in poſſeſſion of any burgage lands or houſes holding of the borough, and ſuch qualifications need not be engroſſed in his commiſſion.

XXX. *Sect.* 30. At all meetings of commiſſioners for chooſing burgeſſes to ſerve in parliament, the common clerk of the preſiding borough ſhall allow the votes of ſuch perſons only who produce commiſſions authenticated by the ſubſcription of the common clerk and the common ſeal of the reſpective boroughs, and ſhall return to the ſheriff or ſteward the perſon elected by the major part of ſuch commiſſioners; and if he neglect or refuſe to return ſuch perſons or return any other perſon he ſhall for every ſuch offence inſtead of the penalty inflicted by 7 *Geo.* 2. *cap.* 16. forfeit 500 *l.* ſterling to the candidate elected by the majority, to be recovered by him or his executors, and he ſhall alſo ſuffer impriſonment for ſix kalendar months, and be diſabled to hold his ſaid office of common clerk of the ſaid preſiding borough.

XXXI. *Sect.* 31. Every ſheriff or ſteward in *Scotland* ſhall annex to the writ the return made by the ſaid clerk of the preſiding borough; and if any ſuch ſheriff or ſteward neglect or refuſe ſo to do or if he annex to the writ any return made by any other perſon, he ſhall for every ſuch offence inſtead of the penalty inflicted by 7 *Geo.* 2. *cap.* 16. forfeit 500 *l.* ſterling to the candidate returned by the aforeſaid clerk of the preſiding borough, to be recovered by him or his executors.

XXXII. *Sect.* 32. If any perſon to whom any commiſſion is made as aforeſaid, inſiſt that he was duly elected commiſſioner for any royal borough, he ſhall be admitted to the meeting of the commiſſioners for chooſing burgeſſes to ſerve in parliament, and may there make offer of taking the oaths and declare for whom he would have voted: which oaths the clerk of the preſiding borough ſhall adminiſter, and ſhall ſet down in the minutes of proceedings the declaration of ſuch perſon, but ſhall not receive him as a legal voter or ſuch declaration as a legal vote.

XXXIII. *Sect.* 33. The electors of commiſſioners for any royal borough in *Scotland* for chuſing burgeſſes to parliament, are within the meaning of the 2 *Geo.* 2. *cap.* 24. to be conſidered as the electors of the member to ſerve in parliament.

XXXIV. *Sect.* 34. At every election of commiſſioners for chuſing burgeſſes for the ſeveral diſtricts of boroughs in *Scotland*, and at the election of a burgeſs to ſerve in parliament for the city of *Edinburgh*, every magiſtrate town-counſellor or perſon having or claiming a right to vote, inſtead of the oath preſcribed by the ſaid act ſhall take the following oath, in caſe the ſame be demanded by any of the electors; and which any of the magiſtrates, or in their abſence any of the town council ſhall adminiſter.

I A. B. *do ſolemnly ſwear, that I have not directly or indirectly, by way of loan or other device whatſoever, received any ſum or ſums of money, office, place, employment, gratuity, or reward, or any bond, bill, or note, or any promiſe of any ſum or ſums of money, office, place, employment, or gratuity whatſoever, either by myſelf or any other, to my uſe, or*

or benefit, or advantage, or to the uſe, benefit, or advantage of the city or borough of which I am magiſtrate, counſellor, or burgeſs, in order to give my vote at this election.

So help me God.

XXXV. *Sect.* 35. In all elections of commiſſioners for chuſing burgeſſes, and before they proceed to election, the common clerk of each borough ſhall take and ſubſcribe the oath following, which any of the magiſtrates or in their abſence any two of the town council ſhall adminiſter.

I A. B. *do ſolemnly ſwear, that I have not directly or indirectly, by way of loan or other device whatſoever, received any ſum or ſums of money, office, place, employment, gratuity, or reward, or any bond, bill, or note, or any promiſe of any ſum or ſums of money, office, place, employment, or gratuity whatſoever, either by myſelf or any other, to my uſe, or benefit, or advantage, to make out any commiſſion for a commiſſioner for chuſing a burgeſs; and that I will duly make out a commiſſion to the commiſſioner who ſhall be choſen by the majority of the town council aſſembled and to no other perſon.*

So help me God.

And at all meetings of the commiſſioners for chuſing burgeſſes to ſerve in parliament, before they proceed to the election, the clerk of the preſiding borough ſhall take and ſubſcribe the following oath, which the commiſſioner for the preſiding borough, or in his abſence any other of the commiſſioners ſhall adminiſter,

I A. B. *do ſolemnly ſwear that I have not directly or indirectly, by way of loan, or other device whatſoever, received any ſum or ſums of money, office, place, employment, gratuity or reward, or any bond, bill, or note, or any promiſe of any ſum or ſums of money, office, place, employment, or gratuity whatſoever, either by myſelf, or any other to my uſe, or benefit, or advantage, to make any return at this election of a member to ſerve in parliament; and that I will return to the ſheriff or ſteward the perſon elected by the major part of the commiſſioners aſſembled, whoſe commiſſions are authenticated by the ſubſcription of the common clerk, and common ſeal of the reſpective boroughs of this diſtrict.*

So help me God.

XXXVI. *Sect.* 36. If the clerk of the preſiding borough neglect or refuſe to take the oath aforeſaid, he ſhall be incapable to act as clerk to the ſaid meeting; and the ſaid commiſſioners ſhall chooſe another clerk.

XXXVII. *Sect.* 37. At all elections of a member to ſerve in parliament for any county or ſtewartry in *Scotland*, the clerk ſhall after his election take and ſubſcribe the following oath which the preſes of the meeting ſhall adminiſter.

I A. B. *do ſolemnly ſwear, that I have not directly or indirectly, by way of loan or other device whatſoever, received any ſum or ſums of money, office, place, or employment, gratuity, or reward, or any bond, bill, or note, or any promiſe of any ſum or ſums of money, office, place, employment, or gratuity whatſoever, by myſelf or any other to my uſe, or benefit, or advantage, to make any return at the preſent election of a member to ſerve in parliament; and that I will return to the ſheriff or ſteward the perſon elected by the majority of the freeholders upon the roll made up at this election, and who ſhall be preſent and vote at this meeting.*

So help me God.

XXXVIII. *Sect.* 38. And whereas by 2 *Geo.* 2. *cap.* 24. *ſect.* 3. it is enacted, that every ſheriff or other returning officer ſhall immediately after reading the writ or precept for the election take and ſubſcribe the oath contained in the ſaid act, ſo much of the ſaid act as requires the ſaid oath to be taken by any returning officer in *Scotland* ſhall be repealed.

XXXIX. *Sect.* 39. If any perſon preſume wilfully and falſely to ſwear and ſubſcribe any of the oaths required to be taken by this act, and be convicted, he ſhall incur the pains and puniſhments of perjury and be proſecuted according to the laws of *Scotland*.

XL. *Sect.* 40. When any new parliament ſhall be called, the lord chancellor ſhall iſſue writs for election of members to ſerve in parliament for *Scotland*, with as much expedition as may be; and in that caſe, or in caſe of any vacancy during any parliaments, the writs ſhall be delivered to the ſheriff or ſteward to whom the execution thereof belongs; and every ſuch ſheriff or ſteward ſhall endorſe thereon the day he received the ſame, and ſhall within four days after the receipt thereof make out a precept to each borough within his juriſdiction, to elect a commiſſioner for chooſing a burgeſs to ſerve in parliament, and ſhall cauſe the ſame to be delivered to the chief magiſtrate of ſuch borough reſident in the borough; and in caſe ſuch ſheriff or ſteward neglect to indorſe on the writ the day he received the ſame, or to make out his precept, and to deliver the ſame to the chief magiſtrate, he ſhall for every ſuch offence forfeit 100 *l.* ſterling, to any magiſtrate of the borough to which the precept is not timouſly delivered, who ſhall ſue for the ſame.

XLI. *Sect.* 41. Such chief magiſtrate to whom the precept ſhall be delivered, ſhall indorſe thereon the day he received the ſame, and within two days ſhall ſummon the council of the borough together, by giving notice perſonally, or leaving notice at the dwelling-place of every counſellor then reſient in that borough, which council ſhall then appoint a peremptory day for the election of a commiſſioner for chooſing a burgeſs to ſerve in parliament.

XLII. *Sect.* 42. Two free days ſhall intervene betwixt the meeting of the council which appoints the day of election of the ſaid commiſſioner, and the day on which the election of the commiſſioner is to be made; and in caſe ſuch chief magiſtrate neglect to indorſe the day he received the precept on the back thereof, or to ſummon the council within the time above directed, he ſhall for every ſuch offence forfeit 100 *l.* ſterling, to any magiſtrate or counſellor of the ſaid borough who ſhall ſue for the ſame.

XLIII. *Sect.* 43. Every penalty or forfeiture by this act impoſed in *Scotland*, ſhall be ſued for and recovered by way of ſummary complaint before the court of ſeſſion, upon 30 days notice to the perſon complained of, without abiding the courſe of any roll; which complaint the court of ſeſſion ſhall determine, and declare the diſabilities and incapacities, and direct the impriſonments, as herein provided.

XLIV. *Sect.* 44. No perſon ſhall be liable to any incapacity, diſability, forfeiture, or penalty, by this act impoſed in *Scotland*, unleſs proſecution be commenced within one year after ſuch incapacity, *&c.* incurred.

Priſons.

Stat. 21 *Geo.* 2. *cap.* 19. *ſect.* 9. The forts erected or to be erected by his Majeſty within the ſhires of *Dunbartain*, *Sterling*, *Perth*, *Kincardine*, *Aberdeen*, *Inverneſs*, *Nairn*, *Cromartie*, *Argyll*, *Forfar*, *Bamff*, *Sutherland*, *Caithneſs*, *Elgine* and *Roſs*, and the ſtewartry of *Orkney*, ſhall be lawful priſons: and the officers commanding in any ſuch fort are to obey and execute all legal warrants to them directed, for the receiving and detaining or releaſing any perſon committed to their cuſtody by the civil magiſtrate.

Schools.

I. **Stat.** 19 *Geo.* 2. *cap.* 39. *ſect.* 21. After the firſt of *November* 1746. it ſhall not be lawful for any perſon in *Scotland* to keep a private ſchool for teaching *Engliſh*, *Latin*, *Greek*, or any part of literature, or to officiate as a maſter or teacher in ſuch ſchool, or any ſchool for literature, other than thoſe in the univerſities, or eſtabliſhed in the royal burghs by public authority, or the parochial ſchools ſettled according to law, or the ſchools maintained by the ſociety in *Scotland* for propa-

gating chriſtian knowledge, or by the general aſſemblies of the church of *Scotland* or committees thereof upon the bounty granted by his Majeſty, until the ſituation and deſcription of ſuch private ſchool be regiſtered in a book, to be kept by the clerks of the ſeveral ſhires, ſtewartries, and burghs in *Scotland*, together with a certificate of every ſuch maſter and teacher having qualified himſelf by taking the oaths appointed to be taken by perſons in offices of public truſt in *Scotland*; and every ſuch maſter and teacher ſhall as often as prayers are ſaid in ſuch ſchool pray or cauſe to be prayed for his Majeſty by name and all the royal family; and if any perſon exerciſe the office of a maſter or teacher of any ſuch private ſchool not regiſtered, or without having firſt qualified himſelf and cauſed the certificate to be regiſtered as above mentioned, or neglect to pray for his Majeſty by name and all the royal family, or reſort to any epiſcopal meeting houſe not allowed by law, being convicted before two juſtices of peace, or any other judge competent of the place ſummarily, he ſhall for the firſt offence ſuffer impriſonment for ſix months; and for the ſecond or any ſubſequent offence being convicted before the court of juſticiary, or in any of the circuit courts, be tranſported to ſome of the plantations in *America* for life, and in caſe any perſon adjudged to be ſo tranſported return into *Great Britain* he ſhall ſuffer impriſonment for life.

II. *Sect.* 22. If any parent or guardian put a child to any private ſchool not regiſtered according to this act, or whereof the principal maſter or teacher ſhall not have regiſtered the certificate of his having qualified himſelf, every ſuch parent or guardian being convicted before two juſtices of peace, or any other judge competent of the place ſummarily, ſhall for the firſt offence ſuffer impriſonment three months; and for the ſecond or any ſubſequent offence being convicted before the court of juſticiary, or in any of the circuit courts, ſhall ſuffer impriſonment for the ſpace of two years from the date of ſuch conviction. *See ſect.* 26. Oaths.

III. Stat. 21 *Geo.* 2. *cap.* 34. *ſect.* 12. Every perſon who ſhall keep in his own name, or in the name of any other perſon, any private ſchool, other than as in the 19 *Geo.* 2. *cap.* 39. is excepted, or who ſhall receive or be intereſted in the profits of ſuch ſchool, ſhall take the oaths appointed to be taken by perſons in offices of public truſt in *Scotland*; and pray for in expreſs words his Majeſty by name and all the royal family, as often as there be prayers in ſuch ſchool, or in the hearing of any of the ſcholars; and if any perſon keep any ſuch ſchool in his own name, or in the names of any other perſons, or receive or be intereſted in the profits of ſuch private ſchool, not regiſtered as directed by the ſaid act, or without having qualified himſelf and cauſed the certificate thereof to be regiſtered, or neglect to pray for his Majeſty by name and all the royal family, or reſort to or attend divine worſhip in any epiſcopal meeting-houſe not allowed by law, being convicted before two juſtices, or any other judge competent ſummarily, he ſhall for the firſt offence ſuffer impriſonment for ſix months; and for the ſecond or any ſubſequent offence being convicted before the court of juſticiary, or in any of the circuit courts, be tranſported to ſome of the plantations in *America* for life, and in caſe he return into *Great Britain* he ſhall ſuffer impriſonment for life.

Seſſion.

I. Stat. 19 *Geo. cap.* 7. *ſect.* 1. The meeting of the court of ſeſſion in *Scotland* is adjourned from the firſt of *November* 1745, unto the firſt of *June* next.

II. *Sect.* 2. The time betwixt the 16th of *September* 1745, and the firſt of *June* 1746, ſhall not be reckoned in any ſhort preſcription, but ſhall be deduced from the ſame.

III. *Sect.* 3. In all adjudications, confirmations of teſtaments, regiſtrations, redemptions, and others, which by law or agreement of parties might and ought to have been deduced expede or performed within a limited time, the aforeſaid ſpace between the 16th of *September* 1745, and the firſt of *June* 1746, ſhall not be reckoned; and all actions and cauſes depending before the ſaid court upon the firſt of *November* 1745, ſhall be continued and be in the ſame ſtate upon the firſt of *June* 1746, in which they

they reſpectively were upon the firſt of *November* 1745, or at any time from the ſaid day to the firſt of *March* 1746.

Sheriffs.

I. **Stat.** 21 *Geo.* 2. *cap.* 19. *ſect.* 10. No ſheriff depute or ſtewart depute or ſubſtitute to any ſheriff depute or ſtewart depute in *Scotland*, ſhall be ſteward, chamberlain, or commiſſioner to any ſubject, or collector of the ceſs, or act in the ſervice of ſuch ſteward chamberlain commiſſioner or collector; and if any ſuch ſheriff depute or ſtewart depute or ſubſtitute to any ſheriff depute or ſtewart depute take upon him any ſuch office or act therein he ſhall forfeit his office of ſheriff depute, ſtewart depute, or ſubſtitute, and be *ipſo facto* diſabled to hold the ſame.

II. *Sect.* 11. No ſuch ſheriff depute or ſtewart depute ſhall be capable of being elected, or of ſitting or voting as a member of the houſe of commons.

III. *Sect.* 12. Whereas his Majeſty has appointed one ſheriff depute only for the ſhires of *Fife* and *Kinroſs*, one only for *Sterling* and *Clackmannan*, one only for *Argyll* and *Bute*, one only for *Elgin* and *Nairn*, one only for *Southerland* and *Caithneſs*, and one only for *Roſs* and *Cromartie*; the ſheriff deputes appointed for the ſaid ſhires ſhall not be obliged to reſide four months in each of the ſaid ſhires, but their reſidence within the two ſhires, conſidered as one diſtrict in that reſpect, ſhall be ſufficient. *See* **Juriſdictions.**

Tailzie.

I. **Stat.** 20 *Geo.* 2. *cap.* 50. *ſect.* 14. Whereas it may be neceſſary for the public ſervice to erect buildings in the highlands of *Scotland*, it ſhall be lawful for any perſon ſeiſed in or poſſeſſed of a tailzied eſtate in *Scotland*, to ſell or reſign *ad perpetuam remanentiam* any part thereof which his Majeſty ſhall think fit to purchaſe, for erecting of buildings, or making ſettlements within the ſame.

II. *Sect.* 15. The price of ſuch land ſhall be ſettled to the ſame uſes, and with the ſame limitations and reſtrictions, as ſuch land was ſettled, or applied for payment of the debts of the maker of the entail, or other debts that are effectual burdens on the tailzied eſtate, not contracted by the vendor himſelf: and for that purpoſe the ſaid money ſhall be paid to truſtees appointed by his Majeſty by ſign manual and the vendors: and ſuch truſtees and the ſurvivor of them, and the executors and adminiſtrators of ſuch ſurvivor ſhall lay out the ſame in the purchaſe of other lands to be ſettled, or apply the ſame for payment of debts on the eſtate in manner before directed.

III. **Stat.** 20 *Geo.* 2. *cap.* 51. *ſect.* 2. Whereas it may be neceſſary, for the preſervation of the public peace, and the further civilizing of the highlands of *Scotland*, that lands be purchaſed there by his Majeſty, it ſhall be lawful for any perſon ſeiſed in or poſſeſſed of a tailzied eſtate in *Scotland*, or for any guardian, tutor, curator, or truſtee of an infant, pupil, minor, ideot, lunatic, fatuous or furious perſon, to ſell or reſign *ad perpetuam remanentiam* the whole or any part of ſuch tailzied eſtate, or the eſtate of ſuch infant, *&c.* which his Majeſty may think fit to purchaſe; which lands ſo purchaſed ſhall remain in his Majeſty, his heirs and ſucceſſors, unalienable for ever; except as to the power of granting leaſes for ſeven years, with a diminution of a fifth part of the uſual rent only.

IV. *Sect.* 3. Provided that in ſuch caſe the price of ſuch lands ſhall be ſettled to the ſame uſes, and with the ſame limitations and reſtrictions, as ſuch lands were ſettled, or ſhall be applied for the payment of debts that are effectual to charge ſuch tailzied eſtate not contracted by the vendor himſelf, or the eſtate of ſuch infant, *&c.* and the ſaid monies ſhall be paid to truſtees appointed by his Majeſty by ſign manual, and the vendor and ſuch truſtees and the ſurvivor of them and the executors and adminiſtrators of ſuch ſurvivor ſhall lay out the monies ariſing from ſuch ſale in the purchaſe of other lands or heretages to be ſettled as aforeſaid, or the monies applied

for the payment of debts in manner before directed; and till ſuch purchaſe can be found or debts paid, they ſhall place out the monies upon good ſecurity at intereſt and ſuch intereſt ſhall go in the ſame manner as the profits of the ſaid lands if purchaſed ſhould have gone.

Tenures.

I. **Stat.** 20 *Geo.* 2. *cap.* 50. *ſect.* 1. The tenure of lands or heretages in *Scotland* by ward holding, whether ſimple or taxed ward, and the caſualties conſequent upon the ſame by ward marriage and recognition, ſhall be taken away after the 25th of *March* 1748.

II. *Sect.* 2. All ſuch tenures held of his Majeſty ſhall be turned into blanch holding, for payment of 1 *d. Scots* at *Whitſunday* yearly, *ſi petatur tantum*, and as often as ſuch lands or heretages ſhall fall in non-entry, the ſame ſhall be no longer liable to the annual payment of the new extent or retour duty, but inſtead thereof ſhall be liable to the annual payment of 1 *l. Scots* for every 100 *l. Scots* of the valued rent, according to which they are now liable to the land tax; and ſo proportionably for any leſſer quantity.

III. *Sect.* 3. In all ſervices upon the brief of mortanceſtry of any heir in ſuch lands or heretages as aforeſaid, the retour over and above the ſetting forth the old and new extent of the lands ſhall further ſet forth their valuation, and the proportion abovementioned of ſuch valuation ſhall be the non-entry duty, preceding the citation in the general declarator of non-entry.

IV. *Sect.* 4. All tenures of lands or heretages in *Scotland* held ward of any ſubject ſuperior, whether ſimple or taxed ward, ſhall be turned into feu holding, for payment of a certain rent or feu duty in money, victual, cattle, or otherwiſe yearly, in place of the ſaid caſualties of ward holding and of all ſervices.

V. *Sect.* 5. The court of ſeſſion in *Scotland* ſhall take into conſideration the difference in value to the vaſſals of the change of their holdings from ward to feu, and what annual rent or feu duty payable to the ſuperior will be a reaſonable ſatisfaction for that difference, and thereupon ſhall publiſh an act of *Sederunt*; and according to ſuch act of *Sederunt* all ſuperiors and vaſſals or parties intereſted are to ſettle betwixt themſelves the feu duties payable in place of the tenures hereby aboliſhed or altered; and in caſe of difference the ſaid court of ſeſſion upon application by bill or petition by any ſuperior or vaſſal, ſhall ſummarily determine the *quantum* of the feu duty, after having heard both parties, or ſummoned the defender, upon 21 days notice; and what the ſaid court ſhall ſo modify ſhall be the feu duty payable yearly at *Whitſunday*.

VI. *Sect.* 6. Until ſuch modification be made by the court of ſeſſion, the vaſſal ſhall not incur any forfeiture or irritancy for nonpayment of the feu duties; and ſuch modification being made ſhall be inſerted as the feu duty in the future renovations of the infeftments.

VII. *Sect.* 7. Where the whole lands ſo held ward ſtand provided in life-rent to any perſon in ſuch manner as by the laws of *Scotland* would be excluſive of the caſualty of ward, ſuch life-renter during the continuance of his right ſhall not be ſubject to pay the ſaid feu duties; and the ſame during the life-rent right ſhall be ſuſpended, and ſhall commence and be payable to the ſuperior at the firſt *Whitſunday* after the determination of ſuch life-rent right; and where ſuch life-rent right is not total of the whole eſtate, the entire feu duty ſhall during the ſubſiſtence of ſuch life-rent right be payable to the ſuperior by the fiar or proprietor out of ſuch parts of the lands as are not life-rented.

VIII. *Sect.* 8. The infeftments of lands or other heretages now held ward, ſhall be valid ſo long as the perſons now infeft retain the ſame; and they ſhall notwithſtanding be no longer ſubjected to the caſualties hereby diſcharged, but ſhall be ſubject to the annual blanch or feu duties hereby payable in place of thoſe caſualties.

IX. *Sect.* 9. No tenure by ward holding, ſhall hereafter be created by his Majeſty, or any other ſuperior in *Scotland*.

X. *Sect.* 10. The caſualty of marriage conſequent upon the tenure of *feu cum maritagio*, and all clauſes *de non alienando ſine conſenſu ſuperiorum* ſhall be taken away; and it ſhall be lawful for the ſubject ſuperiors or vaſſals in lands held *feu cum maritagio*, or with ſuch prohibitory clauſes, to apply to the court of ſeſſion to modify an additional feu duty in lieu thereof.

XI. *Sect.* 11. The caſualties of ſingle eſcheat and life-rent eſcheat incurred by horning and denunciation for any civil debt in *Scotland*, ſhall be taken away and diſcharged for ever.

XII. *Sect.* 12. Any perſon duly ſerved and retoured heir in any lands held of ſubject ſuperiors in *Scotland*, and any perſon who ſhall acquire ſuch lands from the former proprietor, duly veſted and ſeiſed therein, and who ſhall obtain a conveyance containing a procuratory of reſignation in his favour, may apply to the ordinary on the bills in the court of ſeſſion, praying a warrand for letters of horning, to charge the ſuperior to receive or grant new infeftment to ſuch heir or purchaſer, and upon production to the lords of ſeſſion of a ſpecial retour, or of a conveyance bearing a procuratory of reſignation, the ſaid lords of ſeſſion ſhall grant warrand for letters of horning upon 15 days to charge the ſuperior or ſuperiors to receive or grant new infeftment to ſuch heir purchaſer or diſponee.

XIII. *Sect.* 13. No ſuperior ſhall be obliged to give obedience to ſuch charge, unleſs the charger pay to him ſuch fees or caſualties as he is intitled to receive upon the entry of ſuch heir or purchaſer; and every ſuch ſuperior may ſhew cauſe why he ought not to be compelled to give obedience to ſuch charge by offering a bill of ſuſpenſion.

XIV. *Sect.* 17. And whereas the enfranchiſing of vaſſals of ſubject ſuperiors by cauſing them to become immediate vaſſals of the crown, is of public benefit; it ſhall be lawful for any perſon ſeiſed in or poſſeſſed of a tailzied eſtate in *Scotland*, comprehending lands or ſuperiorities of vaſſals holding of him, to ſell to any of ſuch vaſſals the ſuperiorities over their reſpective lands at ſuch prices as the parties ſhall agree for, and thereupon to reſign ſuch lands for new infeftment to be granted to ſuch buyer of his own ſuperiority.

XV. *Sect.* 18. Provided the price of ſuch ſuperiority being part of a tailzied eſtate be ſettled to the ſame uſes, and with the ſame limitations and reſtrictions, as ſuch ſuperiority was ſettled, or applied for payment of the debts of the maker of the intail, or other debts that are effectual burdens on the tailzied eſtate not contracted by ſuch vendor himſelf, and for that purpoſe the monies ſhall be paid to truſtees appointed by the vendor of ſuch ſuperiority and the purchaſer; and ſuch truſtees and the ſurvivor of them and the executors and adminiſtrators of ſuch ſurvivor ſhall lay out the monies ariſing from ſuch ſale in the purchaſe of other lands to be ſettled as aforeſaid, or ſuch monies to be applied for payment of debts on the tailzied eſtate in manner before directed.

XVI. *Sect.* 19. After the ſaid 25th of *March* no proprietor of lands in *Scotland* holding of the King or of any ſubject ſuperior, ſhall be obliged to give ſuit and preſence by himſelf or his procurator at any head court, or be liable to any fine for default of attendance.

XVII. *Sect.* 20. Nothing herein ſhall exempt any proprietors of lands being vaſſals of the King or any ſubject ſuperior from attendance at any court to which he is ſubject, being ſummoned to ſerve as a juryman, or for other lawful purpoſe.

XVIII. *Sect.* 21. Nothing herein ſhall derogate from the powers competent by law to freeholders at their *Michaelmas* head court.

XIX. *Sect.* 22. After the firſt of *July* 1747. no tenant or tackſman in *Scotland*, by virtue of any leaſe or tack in writing, or by verbal agreement, tacit relocation, or otherwiſe, after the ſaid firſt of *July*, or by virtue of the prorogation of any tack made before that day, or any aſſignee of any ſuch leaſe or tack, ſhall be obliged to perform any ſervices to his heretor or landlord, other than ſuch as are expreſly reſerved enumerated and aſcertained in ſome written agreement ſigned by the parties or ſome perſons authorized by them.

XX. *Sect.* 23. Nothing herein ſhall extend to any ſervices by law or cuſtom due to mills, or any thing relative thereto.

XXI. **Stat.** 25 *Geo.* 2. *cap.* 20. It ſhall be lawful for his Majeſty until his royal highneſs *George William Frederick* prince of *Wales* attain the age of 21 years, to hold the principality and ſtewartry of *Scotland*, and to give entries charters or infeftments, to the vaſſals thereof, containing clauſes of *novo damus* and other clauſes uſual, and to do every other act concerning the ſaid principality and ſtewartry of *Scotland* in the ſame manner that hath been formerly practiſed by the Kings of *Scotland* or of *Great Britain* when there was no prince in being; and all ſuch entries, *&c.* concerning the ſaid principality ſhall be good in law to the vaſſals receiving the ſame and all parties having intereſt therein. Saving to the King his heirs and ſucceſſors and to the prince of *Wales* his heirs and ſucceſſors all ſuch right title or intereſt in the ſaid principality or ſtewartry of *Scotland* or to the rents and profits of the ſame, as they would have had in caſe this act had not been made; except any right to avoid or call in queſtion any entry, charter, infeftment, or other act and deed to be made or granted by his Majeſty to the vaſſals as aforeſaid; and the payment of any rents, feu duties and caſualties, as againſt any vaſſals, tenants, ſingular ſucceſſors, or purchaſers; all which are by this act intended to be made effectual, in reſpect of ſuch vaſſals, *&c.* and all perſons claiming under them. *Expired.*

Title-deeds.

I. **Stat.** 20 *Geo.* 2. *cap.* 20. Perſons in *Scotland* who continued in their duty to his majeſty, and whoſe houſes were invaded by the rebels, may on or before 1 *July* 1750, petition the court of ſeſſion; who are to intimate the ſame, and ſummon perſons intereſted. Execution of ſummons to be recorded. The day of compearance elapſed, the court to take probation of the facts. Petitioners oath to be taken: original petitioner dying, the oath of his heir to be admitted. Lords of the ſeſſion upon proof of the premiſſes to decern the extracts of the charters, *&c.* to be valid as the originals. Court of ſeſſion to make up the tenor of the diſpoſitions upon which the petitioners infeftments proceeded, *&c.* Extracts of the charters, *&c.* authorized by the lords of ſeſſion to be good in law. Perſons intereſted may object to the authorizing the extracts, *&c.* Claims to his Majeſty or any other perſon preceding 1 *Aug.* 1745. againſt the perſon or eſtate of any loyal ſubjects whoſe dwelling houſes were invaded by the rebels, and whoſe writs were carried off or deſtroyed, upon which no proceſs has been already commenced or ſhall not be brought on or before the 15th of *Nov.* 1748. are diſcharged, unleſs the claim be proved by the oath of the defendant. Determinations to be recorded.

II. **Stat.** 21 *Geo.* 2. *cap.* 17. Extracts from the records of any writing produced in favour of the King's loyal ſubjects in *Scotland*, who petitioned the court of ſeſſion, and whoſe writings were deſtroyed by the rebels, to be deemed equal to the principal. Oath to be made of the principal writing being deſtroyed by the rebels. Defendant may object to the extract. Perſons within the deſcription of the act, allowed time to petition, and make proof of their poſſeſſions. If the proof be ſatisfactory, the court to regiſter their determination, which ſhall be admitted as evidence. Extract of the judgment of the court may be produced in any ſubſequent petition or ſuit, as evidence. Where the writings have been torn or defaced by the rebels, the ſufferers upon producing the ſaid writings, to be relieved.

Treaſon.

I. **Stat.** 19 *Geo.* 2. *cap.* 9. *ſect.* 4. Every man may be ſummoned and returned to be a juryman in trials for high treaſon, or miſpriſion of treaſon in *Scotland*, who ſhall at the time of ſuch trial be poſſeſſed in his own right or in right of his wife of lands or tenements as proprietor or life-renter within the ſhire ſtewartry or place where ſuch trials ſhall be, or from whence the jury is to come, of the yearly value of 40 *s.* at leaſt, or valued at 30 *s.* ſterling *per annum* in the tax roll of the ſame ſhire

or ſtewartry; and for want thereof, or for any other lawful cauſe ſhall be ſubject to be challenged and ſet aſide.

II. **Stat.** 21 *Geo.* 2. *cap.* 19. *ſect.* 1. All offences of high treaſon and miſpriſion of high treaſon committed in the ſhires of *Dunbartain*, *Sterling*, *Perth*, *Kincardine*, *Aberdeen*, *Inverneſs*, *Nairn*, *Cromartie*, *Argyll*, *Forfar*, *Bamff*, *Sutherland*, *Caithneſs*, *Elgine* and *Roſs*, and the ſtewartry of *Orkney*, may be enquired of heard and determined in the court of juſticiary where the ſaid court ſhall ſit, or before ſuch commiſſioners of *oyer* and *terminer* and in ſuch county or ſtewartry in *Scotland* as ſhall be aſſigned by his Majeſty by his commiſſion under the great ſeal of *Great Britain*, as if ſuch offences had been committed in the ſame county or ſtewartry where the ſame ſhall be ſo tried.

III. *Sect.* 2. All enquiries and trials for high treaſon or miſpriſion of high treaſon committed in *Scotland* may be had by good and lawful men, not only of the county or ſtewartry out of which they ought to come by virtue of the proviſion aforeſaid or of former laws, but alſo of the counties or ſtewartries next adjoining; and the ſaid court of juſticiary, and the ſaid commiſſioners of *oyer* and *terminer* may iſſue proceſs to the reſpective ſheriffs or ſtewarts requiring them to return ſuch a number of jurors reſpectively as to the ſaid court or the ſaid commiſſioners ſeems meet; and no challenge for the county or ſtewartry ſhall be allowed, but the challenge to any juror for not being poſſeſſed in his own right or in the right of his wife of lands or tenements as proprietor or life-renter within the county, *&c.* out of which the jury ought to come or within any of the counties, *&c.* next adjoining thereto; and all other lawful challenges ſhall be allowed.

IV. *Sect.* 3. Three of the lords of juſticiary ſhall be named in every ſuch commiſſion of *oyer* and *terminer*, whereof one to be of the *quorum*; and if any indictment of high treaſon or miſpriſion of high treaſon be found before any ſuch commiſſioners of *oyer* and *terminer*, and requeſt be made by the advocate of his Majeſty for *Scotland*, to the lord chancellor to remove ſuch indictment into the court of juſticiary in *Scotland*, then the lord chancellor ſhall award a writ of *Certiorari* directed to ſuch commiſſioners of *oyer* and *terminer* commanding them to certify ſuch indictment into the ſaid court of juſticiary; which court ſhall proceed upon the ſame, as the court of *King's Bench* in *England* may do upon indictments of high treaſon or miſpriſion of high treaſon removed into the ſaid court; and in every ſuch caſe the trial in the court of juſticiary ſhall be by a jury of the county or ſtewartry wherein ſuch indictment ſhall be found, or of that and of one or more of the counties or ſtewartries next adjoining.

V. *Sect.* 4. If any peer be indicted of high treaſon or miſpriſion of high treaſon by authority of this act, after ſuch indictment found he ſhall have his trial by his peers.

VI. *Sect.* 5. All perſons convicted or attainted of high treaſon or miſpriſion of high treaſon purſuant to this act, ſhall be ſubject to the ſame corruption of blood penalties and forfeitures, as perſons convicted or attainted, purſuant to 7 *Ann. cap.* 21.

VII. *Sect.* 6. The proviſions before-mentioned ſhall be in force for ſeven years and to the end of the then next ſeſſion of parliament.

Revived from 1 *June* 1760. *and continued for* 7 *years* &c. *by* 33 Geo. 2. cap. 26.

VIII. **Stat.** 21 *Geo.* 2. *cap.* 34. *ſect.* 17. The act of 1 *Geo.* 1. *cap.* 20. being made on occaſion of the rebellion in 1715, and a doubt having ariſen whether the clauſes after-mentioned are ſtill in force; ſo much of the ſaid act as enacts, that tenants in *Scotland* who ſhould continue peaceable bruicking and occupying any lands or tenements or taxmen under any perſon guilty of any of the high treaſons in the ſaid act mentioned, ſhould bruick and occupy all ſuch lands and tenements for two years or crops from the attainder of ſuch perſon, without payment of any rent or ſervice; and that if any ſubject of *Great Britain* holding lands or tenements of a ſubject ſuperior in *Scotland* ſhould be guilty of the high treaſon in the ſaid act mentioned, his lands or tenements ſo held ſhould recognoſce and return into the hands of the ſuperior, and the property ſhould be conſolidated with the ſuperiority, in the ſame manner

manner as if the ſame lands had been by the vaſſal reſigned into the hands of his ſuperior *ad perpetuam remanentiam*; and in caſe any tenant or taxman bruicking, *&c.* any lands, *&c.* ſhould be attainted of ſuch high treaſon, the title by which he did bruick ſhould become void; and the lands, *&c.* ſo bruicked, together with the ſingle and life rent eſcheat of ſuch tenant, ſhould return to the perſon from whom ſuch title was derived, who ſhould continue peaceable and dutiful to his Majeſty; and that no perſon ſhould be capable of being a witneſs againſt any perſon by whoſe attainder or forfeitures any benefit might accrue to ſuch witneſs; is hereby repealed from 29 *Sept.* 1748.

IX. *Sect.* 18. Nothing in this clauſe ſhall affect the right or intereſt of the king or of any perſon accrued by means of any thing done before 29 *Sept.* 1748.

X. *Sect.* 19. Such expoſition of the ſaid clauſes ſhall be made as to any thing happening before the 29th *Sept.* as ought to have been made in caſe this act had never been paſſed.

Trials.

I. **Stat.** 21 *Geo.* 2. *cap.* 19. *ſect.* 7. It ſhall be lawful for the court of juſticiary, and the circuit courts, to try and determine all cauſes and proſecutions, for any crimes not inferring death or demembration, whereupon the verdict of an aſſize or jury is to paſs, upon hearing the evidence of the witneſſes *viva voce*, without reducing into writing the teſtimony of ſuch witneſſes; and the practiſe of taking down and reducing into writing the teſtimony of witneſſes in ſuch caſes is hereby aboliſhed.

II. *Sect.* 8. In ſuch caſes where the teſtimony of witneſſes ſhall not be reduced into writing, the counſel on both ſides, and the pannel may interrogate the witneſſes; and immediately before the aſſize or jury ſhall be incloſed, the evidence ſhall be ſummed up by one of the judges.

Seamen.

The 2 Geo. 2. cap. 36. *is extended to* America, *and made perpetual by* 2 Geo. 3. cap. 31.

CXVI. **Stat.** 13 *Geo.* 2. *cap.* 3. *ſect.* 1. During the continuance of the preſent war and no longer (except as to ſuch trading ſhips and privateers, which ſhall be on their voyage before the determination of the war, who may return home navigated as herein is provided) it ſhall be lawful for any trading ſhip or privateer, to be navigated by foreign ſeamen not being his Majeſty's ſubjects, ſo as the number of ſuch foreign ſeamen do not exceed three fourths of the mariners employed to navigate ſuch ſhip, and that one fourth at leaſt, of the mariners ſo employed be natives or naturalized ſubjects of *Great Britain* (ſudden death, hazard of war, and the ſeas, excepted) notwithſtanding 12 *Car.* 2. *cap.* 18. **Ships.**

CXVII. *Sect.* 2. Every foreign ſeaman who ſhall have faithfully ſerved, during the time of war, on board any of his Majeſty's ſhips, or any trading ſhip or privateer (belonging at the time of ſuch ſervice to ſubjects of *Great Britain*) for two years, ſhall be deemed a natural born ſubject of *Great Britain.*

CXVIII. *Sect.* 3. Provided no perſon naturalized by this act thereby be enabled to be of the privy council, or a member of parliament, or to take any office civil or military, or to have any grant of lands or hereditaments from the crown.

CXIX. *Sect.* 4. It ſhall be lawful for his Majeſty at all times when it is neceſſary to declare war againſt any foreign power, to publiſh a proclamation, to permit all trading veſſels and privateers to be manned with foreign ſeamen during ſuch war, in the manner by this act provided; and upon the publiſhing of ſuch proclamation this act ſhall be deemed to be in full force and continue during ſuch war and no longer; except in reſpect to ſuch trading ſhips and privateers which ſhall be on their voyage before the determination of ſuch war, who ſhall be allowed to return home navigated in the manner before provided.

CXX. **Stat.** 13 *Geo.* 2. *cap.* 17. *ſect.* 1. Every perſon of the age of 55 years or upwards, or under the age of 18 years, and every foreigner who ſhall ſerve in any

merchant ſhip or privateer belonging to the ſubjects of *Great Britain*, ſhall be exempted from being impreſſed into his Majeſty's ſervice.

CXXI. *Sect.* 2. Every perſon of what age ſoever who ſhall uſe the ſea, ſhall be exempted from being impreſſed for two years from his firſt going to ſea; and every perſon who not having before uſed the ſea, ſhall bind himſelf apprentice to ſerve at ſea, ſhall be exempted from being impreſſed for three years from his binding himſelf apprentice.

CXXII. *Sect.* 3. The commiſſioners of the admiralty or three of them, ſhall, upon due proof of the reſpective ages and circumſtances of the perſons before-mentioned, grant a protection to every ſuch perſon to ſecure him from being impreſſed, without fee.

CXXIII. **Stat.** 14 *Geo.* 2. *cap.* 38. *ſect.* 2. If any ſeaman under the degree of a warrant or commiſſion officer, entering voluntarily into the ſervice be killed or drowned in the ſervice, and ſhall leave a widow to whom he was lawfully married; every ſuch widow producing to the commiſſioners of the navy a certificate, under the hands of the miniſter churchwardens and overſeers of the poor of the pariſh wherein ſhe reſides, that ſhe is the real widow of the ſeaman ſo killed or drowned, ſhall receive ſuch ſum of money, by way of bounty, as ſhall amount to one year's pay of ſuch ſeaman, according to the monthly wages he ſerved for at the time of his death; and the commiſſioners of the navy ſhall upon producing ſuch certificate at the navy office, order the payment of ſuch bounty-money.

CXXIV. *Sect.* 3. So much of the act of 1 *Geo.* 2. *cap.* 14. as relates to the prohibiting any ſeaman from being taken out of the ſervice of his Majeſty, *and to the manner of proceeding againſt ſeamen for debts* ſhall be of force within the kingdom of *Ireland*. *The* 1 Geo. 2. cap. 14. *is repealed, but the clauſes here referred to are re-enacted in* 31 Geo. 2. cap. 10. ſect. 28, 29.

CXXV. **Stat.** 18 *Geo.* 2. *cap.* 31. *ſect.* 1. Every officer or other perſon employed in any privateer, or ſhip having a letter of marque, belonging to any ſubjects, ſhall pay the duty of 6*d. per* month, or proportionably during the time he ſhall ſerve in ſuch ſhip, for the better ſupport of *Greenwich-hoſpital*.

CXXVI. *Sect.* 2. The commander or owner of every privateer, or ſhip having a letter of marque, ſhall detain out of the wages and ſhares of prizes payable to ſuch officer or other perſon employed in his ſhip, the ſaid duty of 6*d. per* month, (other than for ſuch perſons as by former acts are exempted) and ſhall pay the ſame to ſuch the officers on that behalf appointed by the commiſſioners of the admiralty.

CXXVII. *Sect.* 3. The commander of every privateer, or ſhip having a letter of marque, before he ſails from any port of *Great Britain* or *Ireland*, *Jerſey*, *Guernſey*, *Alderney*, *Sark*, or *Man*, or from any port within his Majeſty's colonies in *America*, ſhall deliver to the collector of the cuſtoms of the port he ſails from, a liſt ſigned of the names, ages, and deſcriptions of every perſon employed in ſuch privateer, *&c.* and upon his arrival or return at any of the ports aforeſaid, ſhall deliver to the collector of the cuſtoms of the port he arrives at, a copy upon oath of the liſt he delivered to the collector at the port from whence he ſailed, and an account whether all or any of the men are returned; and if any are wanting, what is become of them; and in caſe any ſuch commander neglect to deliver ſuch liſts and accounts, he ſhall forfeit 50*l.* one moiety to the uſe of the ſaid hoſpital, and the other moiety to ſuch perſon as ſhall ſue for the ſame.

CXXVIII. *Sect.* 4. It ſhall be lawful for the receiver of the ſaid duty of 6*d. per* month, or his deputy, by warrant under his hand to ſummon all ſuch commanders, (or in their abſence) the owners of ſuch privateers or ſhips having letters of marque, to appear at the office of the ſaid receiver or his deputy (ſo as the perſon ſummoned be not obliged to travel above 10 miles) which ſaid receiver or his deputy ſhall examine ſuch commander or owners, as to the number and times of ſervice of all perſons employed in ſuch ſhips who are liable to the ſaid ſum of 6*d. per* month; and if ſuch commanders, or (in their abſence) the owners, refuſe (not having a reaſonable excuſe) to appear; or to make diſcovery upon oath, or neglect to pay the monies due

to the ſaid hoſpital, within ſix kalendar months after due notice from the ſaid receiver or his deputy, every ſuch offender, for every ſuch refuſal or neglect ſhall forfeit 50*l.* one moiety to the uſe of the ſaid hoſpital, and the other moiety to ſuch perſon as ſhall ſue for the ſame, by action of debt, *&c.* in any court of record, where no eſſoin, *&c.* ſhall be allowed; and if a verdict paſs for the plaintiff, ſuch plaintiff ſhall have double coſts; and if any ſuch commander attempt to go to ſea with the ſaid ſhips before he hath accounted with, and paid the ſaid receiver the ſaid duty for the voyage preceding, then ſuch receiver or his deputies may ſtop ſuch ſhip till the ſaid duty be paid; and upon the death or removal of any commander of any ſuch ſhip, the owners ſhall deliver to the ſucceeding maſter an account of the ſaid duty due to the ſaid hoſpital, and money ſufficient for payment of the ſame; and in default thereof ſuch receiver or his deputies may ſtop ſuch ſhip until the ſaid duties be paid.

CXXIX. Stat. 20 *Geo.* 2. *cap.* 38. *ſect.* 1. *Alexander Hume*, and others, ſhall be incorporated by the name of *The Preſident and Governors for the relief and ſupport of ſick, maimed, and diſabled ſeamen, and of the widows and children of ſuch as ſhall be killed, ſlain, or drowned in the merchants ſervice*; and ſhall have perpetual ſucceſſion and a common ſeal; and they and their ſucceſſors ſhall be capable to hold in truſt for the purpoſes of this act all ſums of money granted and received by virtue of this act, or contributed or bequeathed by any perſons, and may purchaſe lands for the ſite of an hoſpital.

CXXX. *Sect.* 2. And the ſaid preſident and governors ſhall provide in ſuch hoſpital for the reception of ſeamen diſabled by ſickneſs, wounds, or other misfortunes, or by age; or ſhall allow them penſions, and ſhall relieve the widows and children of ſeamen killed or drowned in the ſaid ſervice; provided ſuch children are not of the age of 14 years; or not capable of getting a livelihood by reaſon of infirmities; and ſhall make allowances to thoſe who are hurt or maimed in doing their duty ſo far as the revenues will extend, according to rules eſtabliſhed by this act.

CXXXI. *Sect.* 3. No ſeaman in the ſaid ſervice ſhall be intitled to the benefit of this act, unleſs he produce a certificate of the hurt he hath received, from the maſter, mate, boatſwain, and ſurgeon, or ſo many of them as were in the ſhip at the time of his receiving ſuch hurt; or of the maſter and two ſeamen, if there is no other officer; or if the maſter die, of the perſon who takes upon him the care of the ſhip, and two ſeamen, ſignifying how he received ſuch hurt, where and when he entered, and how long he had ſerved; and the parties ſigning and ſealing ſuch certificate ſhall make oath of the truth thereof before ſome juſtice of peace, or the chief officer of the cuſtoms of the port where there is no juſtice of peace, or before the *Britiſh* conſul or reſident in any foreign country (who are to adminiſter the ſame without fee) and in caſe of ſickneſs, a certificate ſignifying that he was healthy when he entered, and that ſuch ſickneſs was contracted in doing his duty; and expreſſing the time and place he entred, and how long he had ſerved; and no widow or child of any ſeaman killed or drowned in the ſaid ſervice, ſhall be relieved, unleſs they, or ſome perſon on their behalf, produce a certificate ſignifying how ſuch ſeaman loſt his life, the time and place he entered, and how long he had ſerved; and another certificate under the hands and ſeals of the miniſter and churchwardens and overſeers of the poor of the pariſh or place, or two of them, or of the miniſter and overſeers or two of them, where there are no churchwardens; and if ſuch widow or child are *Quakers*, then by two reputable perſons of that perſuaſion, of the pariſh or place where ſuch widow or child have a legal ſettlement or inhabit, to be atteſted by two witneſſes, that ſuch widow was the wife and real widow, and that ſuch child was the lawful child of ſuch ſeaman killed or drowned, and is under the age of 14 years; or if of that age not capable of getting a livelihood by reaſon of infirmities: and no ſeaman ſhall have a penſion as worn out, unleſs he has ſerved in the merchants ſervice for five years, and paid 6*d.* *per* month out of his wages for that time for the purpoſes of this act.

CXXXII. *Sect.* 4. If any perſon forge or alter or procure to be forged or altered, or unfairly obtain any certificate to intitle him to any benefit of this act, and produce or cauſe it to be produced, ſuch certificate ſhall be void; and ſuch perſon ſo applying

applying ſhall be incapable of receiving any benefit of this act, and ſhall be puniſhed as an incorrigible rogue.

CXXXIII. *Sect.* 5. There ſhall be a preſident and 21 aſſiſtants of the ſaid corporation.

CXXXIV. *Sect.* 6. Every year within five days before or after the 24th of *June*, 10 days notice being given in the *London Gazette*, a new choice of a preſident and 21 aſſiſtants ſhall be made by the preſident and governors, or the greater part of them then preſent, for the year next following.

CXXXV. *Sect.* 7. At all general courts of the preſident and governors, and at the ſeveral courts of aſſiſtants, the preſident ſhall have voice, and in caſe of an equality of votes ſhall have a caſting vote.

CXXXVI. *Sect.* 8. There ſhall be four general courts every year, *viz.* on the 24th of *June*, on the 29th of *September*, the 25th of *December*, and 25th of *March*, or within five days before or after either of the ſaid days, of which ten days notice ſhall be given in the *London Gazette*; and the preſident and aſſiſtants ſhall have power to call a general court at any other time; and are to call a general court at the requeſt of any 13 members under their hands; provided 10 days notice be given in the *London Gazette*.

CXXXVII. *Sect.* 9. The preſident with any five of the aſſiſtants ſhall make a court of aſſiſtants, or committees; and ſhall meet upon *Wedneſdays* weekly in *London*, or at ſuch time and place as they think fit; and ſhall have power to apply the monies received by virtue of this act; and in caſe there be any ſurplus, or any ſum be contributed, to lay out the ſame in parliamentary ſecurities, or in the purchaſe of ſuch lands as are hereby allowed, and under their common ſeal to enter into contracts; and to appoint and remove officers, except ſuch officers as are to be appointed at a general court; and to appoint ſalaries and to tranſact all other matters neceſſary and convenient.

CXXXVIII. *Sect.* 10. The management and accompts of the ſaid preſident and aſſiſtants ſhall be ſubject to ſuch audit and controul as by any by-laws of the ſame corporation ſhall be appointed.

CXXXIX. *Sect.* 11. There ſhall be a receiver choſen by the ſaid preſident and governors in a general court, who ſhall be allowed a proper ſalary, and be at their pleaſure diſplaced.

CXL. *Sect.* 12. If there be any vacancy of any perſon choſen at a general court, ſuch vacancy ſhall be filled up at a general court after ten days notice in the *London Gazette*, of ſuch election.

CXLI. *Sect.* 13. The preſident and governors, or the greater part of them (ſo that not leſs than 13 governors be preſent) may chooſe other perſons members or governors in the room of ſuch as die or refuſe to be members or governors.

CXLII. *Sect.* 14. The preſident and governors in a general court (ſo that not leſs than 13 governors be preſent) may make by-laws, and revoke the ſame.

CXLIII. *Sect.* 15. In caſe the preſident ſhall not attend the aſſiſtants at a court of aſſiſtants, the governors at a general court, may depute any other member or governor to preſide and vote as preſident.

CXLIV. *Sect.* 16. If any perſon pay into the hands of the receiver 50 *l.* for the purpoſes of this act, he ſhall be a governor.

CXLV. *Sect.* 17. Every perſon who ſhall ſerve in any ſhip belonging to any ſubjects in *England*; and every maſter or owner navigating his own ſhip (other than ſuch apprentices under the age of 18 as are exempted from payment of 6 *d. per* month to *Greenwich-hoſpital* by 2 *Ann. cap.* 6. *Par.* XIX. and perſons employed in boats upon the coaſt of *England* in taking fiſh brought freſh on ſhore, and perſons employed in veſſels that trade only within any river in *England*, or in any open boats upon the coaſts, and pilots employed on board any ſhip, ſhall pay 6 *d. per* month, and proportionably for a leſſer time, during their employment, for the purpoſes aforeſaid.

CXLVI. *Sect.* 18. The maſter of every ſuch ſhip is to deduct and detain out of the wages or profits payable to ſuch perſon employed in his ſhip, the ſaid 6 *d. per* month (other than for perſons excepted) and ſhall pay the ſame to the officer appointed by the preſident and governors, or the truſtees at any out ports.

CXLVII. *Sect.*

CXLVII. *ſect.* 19. The preſident and governors at a court of aſſiſtants, may appoint a receiver or receivers of the ſaid duty at *London*; and alſo depute the collectors, or officers of the cuſtoms in the out-ports of *England*, or other perſons to receive the ſame (except where ſeparate truſtees are appointed by this act) which receivers are to collect and pay over the ſaid duty, according to inſtructions ſent by the preſident and governors: and the preſident and governors, at a court of aſſiſtants may make them an allowance.

CXLVIII. *Sect.* 20. Every maſter of any merchant or private ſhip ſhall keep a muſter-roll; in which ſhall be entered his own name, and the names of all the perſons employed in ſuch ſhip with the uſual place of their abode on ſhore, and the time when and place where they entered, and in what ſhip he performed his laſt voyage; a duplicate whereof ſhall be ſigned by the ſaid maſter, and delivered before the departure of ſuch ſhip to the receiver of the ſaid duties, at the port to which ſuch ſhip belongs; and ſuch maſter ſhall keep ſuch muſter-roll during the whole voyage, and ſhall enter therein when and where any perſon is diſcharged or deſerts, and any other man ſhipt, deſcribing them as before is deſcribed, and when and where any of them received any hurt or were killed or drowned; a duplicate of which continuation of the muſter-roll ſhall be ſigned by the ſaid maſter, and delivered at the return of ſuch ſhip to the receiver of the ſaid duties at the port to which ſuch ſhip belongs; and copies ſhall be made by ſuch receiver and kept by him; and the original duplicates ſhall be tranſmitted to the preſident and governors aforeſaid, to be kept: and if ſuch maſter neglect to keep ſuch muſter-roll, or to deliver ſuch duplicates, or ſuch receiver to make and keep ſuch copies, or to tranſmit the duplicates as aforeſaid, they ſhall reſpectively forfeit for every ſuch offence 20 *l.*

CXLIX. *Sect.* 21. Receivers may by warrant under their hands ſummon all ſuch maſters or in their abſence the owners, to appear at the office of the ſaid receivers (ſo as they be not obliged to travel above 10 miles) and examine every ſuch maſter or owner upon oath as to the truth of the copy of ſuch muſter-roll, and as to the number and times of ſervice of all perſons employed in ſuch ſhip liable to the ſaid 6 *d. per* month; and if ſuch maſters or owners neglect when ſo ſummoned to appear, or refuſe to make diſcovery, every ſuch offender for every ſuch refuſal ſhall forfeit 20 *l.*

CL. *Sect.* 22. The ſecretaries or chief clerks of the navy, victualling, ordnance, cuſtoms, poſt-office, or other public offices of the crown, uſually employing ſhips in the ſervice of his majeſty, ſhall deliver a duplicate of the liſt of the ſhips, *&c.* (required by 2 *Geo.* 2. *cap.* 7. *ſect.* 6. to be delivered to the receivers of *Greenwich-hoſpital*) to the receiver of the ſaid duty of 6 *d. per* month at *London*, or any of the out-ports: and the ſaid ſecretaries, chief clerks, and other officers of the ſaid offices, and the maſters, *&c.* of ſhips employed by them, are to do every thing for the payment of the ſaid 6 *d. per* month hereby granted, as is directed to be done for the payment of the 6 *d. per* month to *Greenwich-hoſpital* by 2 *Geo.* 2. *cap.* 7. and they ſhall be ſubject to the like penalties for defaults.

CLI. *Sect.* 23. The maſters and owners of all private ſhips liable to the ſaid duty of 6 *d. per* month, ſhall pay ſuch monies as be due from them to the collectors and receivers at the ports only to which ſuch ſhips belong, and before any ſuch ſhips be cleared inwards in any ports of *England*; and no officer of the cuſtoms ſhall clear inwards any private ſhip liable to the ſaid duty or grant any warrant, or cockets, tranſires, returns, or diſcharges, for any ſuch ſhip, or ſhall ſuffer any ſuch ſhip to go out of port until the maſter or owner produce an acquittance ſigned by the receiver of the ſaid duties, whereby it ſhall appear that ſuch maſter, *&c.* is not more than three months in arrear, or is exempted from the ſaid duty by the exemptions herein contained; and every maſter and owner neglecting to pay the ſaid duty in the manner and within the time before-mentioned, and every officer of the cuſtoms making default in the premiſſes ſhall for every ſuch default forfeit 20 *l.*

CLII. *Sect.* 24. If the maſter, *&c.* produce not ſuch acquittance to the tide-ſurveyor when he comes on board to clear ſuch ſhip, the tide-waiters on board ſhall be continued until ſuch acquittance is produced, at the expence of ſuch owner or maſter.

CLIII. *Sect.* 25. Where by this act an oath is required, the affirmation of *Quakers* ſhall be accepted; and if any *Quaker* refuſe to make ſuch affirmation, he ſhall be ſubject to the like penalties as any other perſon refuſing to take an oath; and if any *Quaker*

affirm

affirm any matter which is falſe, or if any other perſon before any perſon hereby authorized to adminiſter oaths, wilfully make a falſe oath, being convicted, he ſhall for every ſuch offence ſuffer the like puniſhments, as perſons convicted of wilful and corrupt perjury.

CLIV. *Sect.* 26. The charges of obtaining this act ſhall be paid out of the firſt monies raiſed at *London.*

CLV. *Sect.* 27. The owners and maſters of ſhips belonging to perſons reſiding at any of the out-ports, may aſſemble at any time and place within the limits of the ſaid out-ports by any five of them appointed, giving 10 days previous notice, to be fixed at ſome public place at ſuch out-port; and may appoint under their hands and ſeals 15 truſtees for ſuch out-port, for receiving and applying the ſaid 6*d. per* month: and within 10 days after every 26th of *December* yearly, 15 truſtees ſhall be choſen for the year enſuing, as aforeſaid; and the inſtrument appointing them ſhall be ſent to the preſident and aſſiſtants, who are to confirm the ſame under the common ſeal of the corporation, without fee, within 10 days after receipt thereof: which truſtees, ſo confirmed, whereof five ſhall be a quorum, ſhall have the ſame powers as the preſident and governors aforeſaid; and the officers appointed by ſuch truſtees ſhall have the ſame powers as the other officers appointed in purſuance of this act, and ſhall be ſubject to the ſame penalties.

CLVI. *Sect.* 28. The maſter wardens aſſiſtants and treaſurer of the incorporated ſociety of *The merchants adventurers of Briſtol*, ſhall be truſtees, and have the like powers as the preſident and governors aforeſaid; and the officers appointed by them ſhall have the ſame powers as the other officers appointed by virtue of this act, and ſhall be ſubject to the like penalties; and the ſaid maſter wardens aſſiſtants and treaſurer ſhall have power to take any lands, as the ſaid preſident and governors.

CLVII. *Sect.* 29. The guild or brotherhood of maſters and pilots ſeamen of the *Trinity Houſe* of the town and port of *Kingſton upon Hull*, ſhall be truſtees, and have the like powers as the preſident and governors aforeſaid; and the officers appointed by them ſhall have the ſame powers as the other officers appointed in purſuance of this act, and be ſubject to the like penalties.

CLVIII. *Sect.* 30. Nothing herein contained ſhall oblige the receivers or collectors of the ſaid duty appointed by the truſtees of any of the ſaid out-ports, to ſend the duplicates of the muſter-rolls to the preſident and aſſiſtants or committees; but ſuch duplicates ſhall be delivered after making copies thereof to the ſaid truſtees to be kept.

CLIX. *Sect.* 31. No perſon employed on board any private ſhip ſhall be intitled to any benefit by this act at *London* or any out-port, but thoſe who pay the ſaid duty of 6*d. per* month.

CLX. *Sect.* 32. Thoſe ſeamen who have been longeſt in the ſervice and contributed moſt towards the duty, ſhall be firſt provided for as worn out.

CLXI. *Sect.* 33. In caſe any perſon employed on board any ſhip, in doing his duty on ſhore or on board, be hurt or maimed ſo that immediate care is neceſſary, the preſident and governors at *London*, and the reſpective truſtees for the out-ports, are to provide relief for him until he be ſo well recovered as to be removed to the port to which ſuch ſhip belongs; and the expence of removing him not exceeding 2*d. per* mile, ſhall be paid by the preſident and governors at *London*, or by the truſtees for the out-port to which he is removed.

CLXII. *Sect.* 34. In caſe any perſon ſerve five years or more on board private ſhips belonging to different ports, and have paid the 6*d. per* month for that time, and be worn out, and adjudged a proper object of relief, he ſhall be provided for at the port where he paid the greateſt part of the ſaid duty for the laſt five years of his ſervice.

CLXIII. *Sect.* 35. The preſident and governors, and the reſpective truſtees, may relieve ſeamen employed in the merchants ſervice within the limits of this act, who may be ſhipwrecked, or taken by the enemies and on their return from impriſonment be travelling with paſſes to the place of their abodes.

CLXIV. *Sect.* 36. Where the certificates directed to be produced by this act cannot be obtained, other certificates ſatisfactory to the preſident and governors, or truſtees reſpectively, ſhall be allowed of.

CLXV. *Sect.* 37. Whereas the *Eaſt India* company have eſtabliſhed a fund for providing for ſeamen diſabled in their ſervice, and for the widows and children of ſuch as are killed or drowned, no maſter officer ſeaman ſervant or apprentice employed in the ſervice of the ſaid company, during the time they are ſo employed, ſhall be liable to the payment of 6*d. per* month.

CLXVI. *Sect.* 38. No maſter officer ſeaman ſervant or apprentice employed in the ſervice of the ſaid company, ſhall be intitled to any benefit by this act, in reſpect of any incapacity by ſickneſs wounds or misfortune during the time of their being employed in the ſaid company's ſervice; nor ſhall the widows or children of ſeamen killed or drowned in the ſervice of the ſaid company, be intitled to any benefit by this act, by reaſon of any ſuch ſeamens being killed or drowned during the time of being employed in the ſaid company's ſervice.

CLXVII. *Sect.* 39. All penalties incurred by this act, ſhall be recovered in any court of record in *England*, wherein no eſſoin, *&c.* ſhall be allowed; and if a verdict paſs for the plaintiff he ſhall have double coſts; and one moiety of the ſaid penalties ſhall go to the uſes of this act, and the other moiety to ſuch perſon as ſhall ſue for the ſame.

CLXVIII. *Sect.* 40. This act ſhall be deemed a public act. And if any action be brought in relation to the premiſſes, every ſuch action ſhall be brought within three months next after, in the county where the fact was done; and the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall have double coſts.

CLXIX. **Stat.** 22 *Geo.* 2. *cap.* 52. The eſtates of the late earl of *Derwentwater* and *Charles Radcliffe* his brother are veſted in 16 of the commiſſioners of *Greenwich-hoſpital*, for an abſolute eſtate of inheritance for the benefit of the hoſpital. And the commiſſioners or any ſeven of them are impowered to appoint officers to receive the rents, and to allow them ſalaries; and to make ſale of timber without applying to the court of *Exchequer*, and to cut down timber for repairs; and to demiſe the mines, lands, *&c.* for 21 years on reſerved rents without fines; and they may apply to the court of *Exchequer* for orders on the tenants to produce writings for aſcertaining fines cuſtoms and ſervices. They are to appoint by deed inrolled in *Chancery* other truſtees in the room of ſuch of the 16 as ſhall die. 6000 *l.* is given to the ladies *Charlotte Radcliffe*, *Barbara Radcliffe*, and *Mary Radcliffe*, the daughters of *Charles Radcliffe*: and 24000 *l.* is ſettled in truſt for *James Bartholomew Radcliffe* the eldeſt ſon of *Charles Radcliffe*, and his iſſue male and female, and in default of iſſue in truſt for *James Clement Radcliffe* the younger ſon of *Charles Radcliffe*, and his iſſue male and female, and in default of iſſue in truſt for the executors adminiſtrators and aſſigns of *James Bartholomew Radcliffe*.

CLXX. **Stat.** 24 *Geo.* 2. *cap.* 47. *ſect.* 10. There ſhall be allowed upon the books of every ſhip of war in ſea-pay, one other ſeaman in every 100 men that the compliment of ſuch ſhip conſiſts of, for ſuch time only as the number of men employed in the royal navy exceeds not 20000: and the produce of the wages of each ſuch ſeaman, and the value of his victuals ſhall be applied to the relief of the poor widows of commiſſion and warrant officers of the royal navy; over and above the one ſeaman allowed them by 6 *Geo.* 2. *cap.* 25. *ſect.* 18.

CLXXI. **Stat.** 31 *Geo.* 2. *cap.* 10. *ſect.* 1. Any ſeaman or able-bodied landman who ſhall voluntarily enter his name with any commiſſion officer of the fleet appointed for entering ſuch volunteers, in order to ſerve in any of the ſhips of his Majeſty fitting out for ſea, or in want of men, and ſhall receive a certificate of his ſo doing from ſuch commiſſion officer (who is to give ſuch certificates, without fee, and date the ſame) and ſhall forthwith proceed towards ſuch ſhip, and make his appearance on board the ſame within 14 days from the date of ſuch certificate incluſive of the day of the date if the place where he ſo enters be not above 100 miles from the port where ſuch ſhip lies, or within 20 days if it be at a greater diſtance, or within 30 days if the place where he ſo enters be above 200 miles diſtant, every ſuch perſon ſhall be intitled to wages from the date of ſuch certificate incluſive of the day of the date, and ſhall be allowed the uſual

uſual conduct money, and be paid an advance of two months wages at the firſt ſitting out of ſuch ſhip and before ſuch ſhip proceed to ſea.

CLXXII. *Sect.* 2. Every ſeaman or able-bodied landman entered on the books of any ſhip belonging to his Majeſty, as ſupernumerary to the complement of ſuch ſhip ſhall be intitled to his wages, upon the books of the firſt, and of every other ſhip in which he ſhall ſerve for 10 days, and ſhall receive all other benefits as if he were part of the complement thereof.

CLXXIII. *Sect.* 3. Where ſuch ſeaman or landman ſhall have been lent from one ſhip to another, he ſhall continue to be borne for and intitled to his wages, upon the books of ſuch ſhip from which he ſhall have been ſo lent, until he be diſcharged.

CLXXIV. *Sect.* 4. In caſe any inferior officer or ſeaman be turned over from one ſhip to another either by order from the admiralty or from any commander in chief of any ſquadron, in any port of *Great Britain* or on the coaſt, every ſuch officer and ſeaman, in caſe ſuch ſhip into which he is ſo turned over be in or come into any port of *Great Britain* where any commiſſioner of the navy reſides, ſhall be paid, by proper pay liſts to be made out, all the wages due to him in the ſhip from which he is ſo turned over, before the ſhip, into which he is turned over, proceed to ſea; unleſs it be otherwiſe directed by ſpecial order from the admiralty in caſes of the greateſt exigency only: and if ſuch ſhip in purſuance of the ſaid order proceed to ſea before ſuch payment can be made, then the ſaid wages ſhall be paid as ſoon as ſuch ſhip comes again into any ſuch port of *Great Britain* where any commiſſioner of the navy reſides.

CLXXV. *Sect.* 5. In caſe any officer or ſeaman be turned over from one ſhip to another, ſuch officer or ſeaman ſo turned over ſhall not ſerve or be rated in a worſe quality or lower degree, than he ſerved in or was rated for in the ſhip from which he was turned over; and ſhall receive, over and above the wages then due to him, an advance of two months wages, before the ſhip into which he is ſo turned over, proceed to ſea, in caſe he have not received ſuch advance in any of the ſhips from which he is ſo turned over.

CLXXVI. *Sect.* 6. Out of the monies granted in this ſeſſion of parliament for the ſervice of the navy, and out of all ſuch ſupplies as ſhall be granted in parliament for any naval ſervices, ſuch ſums ſhall in the firſt place be appropriated, and ſhall from time to time be applied, as are ſufficient for the regular payment of all tickets made out in manner herein after directed for the wages due to any officer or ſeaman, and for the regular diſcharge of all wages due, upon any ſhip's books to any officer or ſeaman in the royal navy, in manner following; *viz.* when any of the ſhips of his Majeſty have been in ſea pay 12 months, or more, if ſuch ſhip then be or arrive in any port of *Great Britain* or on the coaſt thereof, the captain or commander ſhall immediately cauſe to be made out five complete pay books for all the officers and ſeamen belonging to the ſaid ſhip for all the time that ſuch ſhip has been in ſea pay, except the laſt ſix months, to which time, *viz.* the laſt ſix months, the wages due upon all ſuch ſhips are hereby intended to be cleared; and ſhall ſend by the firſt opportunity ſuch pay books with three alphabets and a ſlop book to the commiſſioners of the navy at their board; and whenſoever any ſuch ſhip having been 12 months or more in ſea pay is or arrives in any port of *Great Britain* where any commiſſioner of the navy reſides, the commiſſioners of the navy at their board are to ſollicit ſuch ſums of money as be ſufficient, and as ſoon as the ſame be iſſued to cauſe immediate payment to be made of all the wages due upon the ſaid pay books to all ſuch officers and ſeamen, their executors or adminiſtrators, or to their reſpective attornies, deducting whatever monies have been paid before by way of advance, or that ſtand againſt them in the books of ſuch ſhips on account of any defalcation; leaving always ſix months wages, and no more, due to ſuch officers and ſeamen for their ſervice in ſuch ſhip, unpaid: and whenever any of the ſhips of his Majeſty return home in order to be laid up, all the wages due to the officers and ſeamen ſerving on board ſuch ſhip ſhall be entirely paid off within two months after the arrival of ſuch ſhip in the port where the ſame is to be laid up: and the computation of the ſaid months wages ſhall be by reckoning 28 days to the month.

CLXXVII. *Sect.* 7. Whenſoever any application is made to the commiſſioners of the navy at their board by any inferior officer or ſeaman then in the ſervice of his Majeſty,

jeſty, and who has been abſent either with the leave of the commanding officer, or upon duty, at the payment of the ſhip whereunto he did belong, or from the captain or commander of any ſhip of his Majeſty on board of which ſuch officer or ſeaman then ſerves; in caſe ſuch ſhip be in any port where any commiſſioner of the navy reſides, then the commiſſioners of the navy at their board ſhall immediately upon ſuch application, cauſe the pay books of ſuch ſhip ſo paid, or pay liſts for ſuch officers and ſeamen ſo unpaid made out from them, to be ſent to the commiſſioners of the navy at the port where ſuch ſhip is to which ſuch officers or ſeamen then belong; and ſuch commiſſioner of the navy ſhall forthwith cauſe payment to be made to the ſaid officers and ſeamen of the wages which they were entitled to receive on the payment of ſuch ſhip.

CLXXVIII. *Sect.* 8. If any inferior officer or ſeaman die in the ſervice of his Majeſty, the captain or commander of the ſhip in which he ſerved at the time of his death, ſhall as ſoon as may be after his death make out a ticket for the wages due at the time of his death; which ticket the ſaid captain or commander ſhall ſign and ſhall cauſe to be ſigned by the proper ſigning officers, and ſhall ſend the ticket by the firſt opportunity to the commiſſioners of the navy at their board, for the uſe of the executors or adminiſtrators of ſuch officer or ſeaman: and the ſaid commiſſioners of the navy ſhall immediately cauſe the day of the receipt of ſuch ticket to be indorſed thereon; and ſuch ticket ſhall be forthwith examined, and ſhall by three of the ſaid commiſſioners of the navy be aſſigned for payment within one month from the day of the making ſuch indorſement; and ſhall without fee be delivered on demand to the executors or adminiſtrators of ſuch officer or ſeaman or to their reſpective attorney; and the money due thereon ſhall without fee be paid to ſuch executors or adminiſtrators or their attorney as ſoon as ſuch ticket be brought to the pay office of the navy.

CLXXIX. *Sect.* 9. When any inferior officer or ſeaman in the ſervice of his Majeſty, by wounds, ſickneſs, or infirmity is diſabled, in caſe he ſhall be on board any ſhip then in any port of *Great Britain* or on the coaſt, or belonging to any ſquadron not in any port of *Great Britain* or on the coaſt, the captain or commander of ſuch ſhip ſhall repreſent the ſame to the commander in chief of any ſquadron of his Majeſty's ſhips who is to inquire into the ſame; and if he be ſatisfied thereof, ſhall order ſuch captain to diſcharge ſuch officer or ſeaman, and to make out and ſign in the uſual form a ticket for the wages then due; or if ſuch ſhip be not in any port of *Great Britain* or on the coaſt, nor belong to any ſquadron, or be ſeparated from the commander in chief of any ſquadron to which ſuch ſhip belongs, then the captain or commander of ſuch ſhip being ſatisfied of ſuch diſability ſhall diſcharge ſuch officer or ſeaman, and ſhall make out ſuch ticket without the direction of any ſuch commander in chief, and ſhall ſign the ſame himſelf, and cauſe it to be ſigned by the proper ſigning officers: and whenever any ſuch officer or ſeaman ſo diſabled is diſcharged, and ſuch ticket ſo made out and ſigned, ſuch captain or commander ſhall at the ſame time deliver to ſuch officer or ſeaman, without fee, a certificate of his diſcharge, containing a copy of the ſaid ticket, and a deſcription of the perſon for whom ſuch ticket was ſo made out; which ticket ſhall not be delivered to ſuch officer or ſeaman, but ſuch captain ſhall ſend the ſame by the firſt opportunity to the commiſſioners of the navy at their board, for the uſe of ſuch officer or ſeaman; and the ſaid commiſſioners ſhall immediately cauſe the day when they receive ſuch ticket to be endorſed thereon, and ſuch ticket ſhall be forthwith examined, and ſhall by three or more of the ſaid commiſſioners be aſſigned for payment within one month from the day of the making ſuch endorſement: and in caſe ſuch officer or ſeaman preſent the ſaid certificate of his diſcharge at the navy office, the ſaid commiſſioners of the navy, or any of them, ſhall forthwith examine the ſaid certificate, and the perſon preſenting the ſame, and being ſatisfied that the ſaid certificate was made out for the ſaid perſon, and that he is rendered unſerviceable, ſhall ſign and teſtify the ſame on ſuch certificate; and the ſaid ticket being ſo aſſigned for payment ſhall, without fee, be immediately delivered to ſuch officer or ſeaman to whom ſuch certificate of diſcharge was granted, and to no other perſon; and the money due thereon ſhall without fee be paid to ſuch officer or ſeaman, and to no

other

other perſon, as ſoon as ſuch ticket is brought to the pay office of the navy; or if the ſaid ticket ſhall not be received by the commiſſioners of the navy at their board, then the ſaid certificate ſhall be forthwith examined, and the money appearing to be due on the ſaid ticket by the copy thereof contained in the ſaid certificate ſhall be paid to the perſon producing the ſame, and to no other perſon, in like manner as if the ſaid original ticket had been received: and in caſe any officer or ſeaman ſo diſcharged be deſirous to receive his wages at any port in *Great Britain* where a commiſſioner of the navy reſides, and preſent to ſuch commiſſioner the certificate of his diſcharge, the ſaid commiſſioner being ſatisfied that the ſaid certificate was made out for the ſaid perſon, and that he is rendered unſerviceable, ſhall ſign and teſtify the ſame on ſuch certificate and tranſmit ſuch certificate to the commiſſioners of the navy at their board, who are within four days after the receipt of ſuch certificate to cauſe the ticket tranſmitted to them and aſſigned for payment, or if ſuch ticket be not received by them, then the ſaid certificate inſtead thereof, to be ſent to the commiſſioner of the navy at ſuch port, who ſhall cauſe the money due thereon to be immediately paid at ſuch port, to ſuch officer or ſeaman, without fee or deduction; and the commiſſioner of the navy at ſuch port where ſuch certificate is ſo preſented ſhall ſend ſuch officer or ſeaman with an order to the neareſt hoſpital, who ſhall receive ſuch officer or ſeaman and victual him from the time he preſents ſuch certificate until he be ſo paid the wages due to him.

CLXXX. *Sect.* 10. In caſe any ſuch certificate delivered to ſuch inferior officer or ſeaman ſo diſcharged on account of being rendered unſerviceable, happen to be loſt or deſtroyed, or if any ſuch officer or ſeaman appear not and preſent the ſame to the commiſſioners of the navy at their board, or to the commiſſioner of the navy at any ſuch port in *Great Britain*, as aforeſaid; in which caſes the wages due to ſuch officer or ſeaman would not be payable by virtue of the ticket made out for him or if the wages due upon ſuch ticket be not paid before the general payment of the ſhip's company; in every ſuch caſe the commiſſioners of the navy at their board ſhall cauſe ſuch ticket to be cancelled, and all ſuch wages ſhall become payable to ſuch officer or ſeaman his executors or adminiſtrators or to their reſpective attornies, when the wages due upon ſuch ſhip ſhall be paid, in the manner preſcribed by this act, and as if ſuch ticket and certificate had never been made out.

CLXXXI. *Sect.* 11. When any inferior officer or ſeaman belonging to any ſhip of his Majeſty, by order of the captain or commander of ſuch ſhip is ſet ſick aſhore, and ſent into any hoſpital or ſick quarters, ſuch captain or commander ſhall make out a ſick ticket for the wages then due to ſuch officer or ſeaman, and ſhall ſign the ſame himſelf, and cauſe it to be ſigned by the proper ſigning officers; which ſick ticket ſhall be tranſmitted along with ſuch officer or ſeaman to ſuch hoſpital or ſick quarters; and if ſuch officer or ſeaman not being cured in ſuch hoſpital be regularly diſcharged from thence as unſerviceable, then a certificate of ſuch diſcharge with the ſaid ſick ticket annexed ſhall be delivered to him; and in caſe he preſent the ſame to the commiſſioner of the navy reſiding in any port in *Great Britain*, ſuch commiſſioner of the navy, upon examining the perſon preſenting the ſame, and being ſatisfied that he is rendered unſerviceable, ſhall ſign and teſtify the ſame on ſuch certificate, and ſhall forthwith tranſmit ſuch certificate with the ſaid ſick ticket annexed to the commiſſioners of the navy at their board, who are immediately to cauſe the day when they receive the ſame to be indorſed thereon, and ſuch certificate and ſick ticket annexed to be examined by the muſter books if received, and a proper ticket or pay liſt in the uſual form to be made out within four days after the receipt of ſuch certificate and ſick ticket, for the payment of all wages due to ſuch officer or ſeaman; and ſhall ſend ſuch ticket or pay liſt without delay to the ſaid commiſſioner of the navy at ſuch port, who ſhall without fee cauſe the money due thereon to be immediately paid to ſuch officer or ſeaman; who notwithſtanding ſuch diſcharge ſhall be maintained in ſuch hoſpital, or ſick quarters, from the time he preſents ſuch certificate and ſick ticket annexed until he be ſo paid the wages due to him.

CLXXXII. *Sect.* 12. In caſe the muſter books or pay books for any ſuch ſhip be not regularly tranſmitted to and received by the commiſſioners of the navy, in the manner before preſcribed, yet the payment of the tickets, or certificates containing copies thereof, or pay liſts, ſhall not be delayed; but if any error to the detriment

of the public treaſure be made in any ſuch ticket or certificate or pay liſts, by the captain or commander making out the ſame, the loſs ariſing by ſuch error ſhall be made good out of any wages due to ſuch captain or commander by whom ſuch ticket or certificate or pay liſt was ſo made out.

CLXXXIII. *Sect.* 13. When any ſhip not in any port of *Great Britain* or on the coaſt has twelve months wages due, the captain or commander ſhall cauſe to be read over the names of all the inferior officers and ſeamen belonging to ſuch ſhip, and ſhall cauſe every officer and ſeaman to anſwer to his name; and ſhall do the ſame at the end of every ſix months, as long as ſuch ſhip has twelve months or more wages due; and if any officer or ſeaman thereupon declare or deliver in writing, the name and place of abode of his wife, father, or mother, and deſire that the whole, or any part, of his wages then due (except the wages for the laſt ſix months) ſhould be paid to his ſaid wife, father, or mother, by the receiver general of the land tax for any county, *&c.* in *Great Britain*, or by the collector of the cuſtoms for any port, or collector of the exciſe for any collection in *Great Britain*, or by the clerk of the cheque at any of his Majeſty's dock yards; then the captain or commander is to cauſe four liſts to be made out, containing the names of ſuch inferior officers and ſeamen as be deſirous to remit to their wives, *&c.* the whole, or any part, of their wages, in which liſts, the amount of the wages ſo deſired to be paid, the name and place of abode of ſuch officer or ſeaman's wife, father, or mother, to whom ſuch wages are to be paid, and the receiver general of the land tax, collector of the cuſtoms, collector of the exciſe, or clerk of the cheque, by whom ſuch wages are to be made payable, ſhall be ſpecified in three ſeparate columns, oppoſite to the name of ſuch officer or ſeaman, in the ſaid liſts; and every officer or ſeaman ſo deſiring that any part of his wages may be paid to his wife, *&c.* ſhall write his name, or make his mark, in a ſeparate column in the ſaid liſts; which liſts ſhall be forthwith compleated, and ſigned by the captain or commander and proper ſigning officers of ſuch ſhip; and ſuch captain or commander ſhall tranſmit the ſaid liſts by the firſt opportunity to the commiſſioners of the navy at their board; and the ſaid commiſſioners upon receiving ſuch liſts wherein any ſuch allotment is made by any inferior officer or ſeaman, of any part of his wages to his wife, *&c.* ſhall immediately cauſe to be made out two bills for every ſuch allotment; which bills ſhall be duplicates, and joined together with oblique lines or devices; and ſhall be made payable to the wife, father, or mother, reſpectively, of ſuch inferior officer or ſeaman, by the receiver general of the land tax, collector of the cuſtoms, collector of the exciſe, or clerk of the cheque reſpectively, according to the appointment in ſuch liſts; and the ſaid bills, being numbered and dated, ſhall be ſigned by any three commiſſioners of the navy, and be written or printed according to the following form:

A. N° I.

Seamen.

A. N° I.

Navy office.

SIR,

Day of

Pay to B. D. *of* *in the county of* { wife / father / mother } *of* E. D. { inferior officer, / seaman, } *belonging to his Majeſty's ſhip* *upon* { his / her } *producing the duplicate hereof, together with a certificate, under the hands of the miniſter and church-wardens, or, in that part of* Great Britain *called* Scotland, *under the hands of the miniſter and two elders of the pariſh where the ſaid* B. D. { was married, / or reſides } *that the ſaid* B. D. *to the beſt of their knowledge and belief, is the* { wife, / father, / mother, } *of the ſaid* E. D. *the ſum of being on account of the wages of the ſaid* E. D. *if the ſame ſhall be demanded within ſix calendar months from the date hereof; otherwiſe you are to return this bill to the treaſurer of the navy, at the pay office of the navy.*

To { The Receiver General of the land tax of the county of / The Collector of the cuſtoms at the port of / The Collector of the exciſe at / The Clerk of the cheque at }

Signed, { O. P. / Q. R. / S. T. } *Commiſſioners of the navy*

By virtue of the act of the thirty firſt George *the ſecond.*

N. B. *The perſonating or falſely aſſuming the name and character of the wife or relation of any inferior officer or ſeaman, or procuring any other to do the ſame, in order to receive wages due to ſuch officer or ſeaman is made felony without benefit of clergy, by thirty firſt* George *the ſecond.*

And as ſoon as the ſaid bills are made out and ſigned, the commiſſioners of the navy ſhall cauſe them to be cut aſunder indentwiſe through the oblique lines or devices; and ſhall cauſe one of the ſaid bills to be tranſmitted forthwith to the perſon nominated in ſuch liſts as the wife, father, or mother, of ſuch officer or ſeaman, and the other to the ſaid receiver general of the land tax, collector of the cuſtoms, collector of the exciſe, or clerk of the cheque, on whom ſuch bill is drawn: and the receiver general, *&c.* if the ſaid duplicates of ſuch bill be produced within ſix calendar months from the date, are to examine ſuch duplicate together with the certificate to be produced as aforeſaid; and to enquire into the truth thereof by the oath of the perſon producing the ſame; and upon being ſatisfied of the truth of ſuch certificate, to teſtify the ſame on the back of ſuch bill; and ſhall immediately pay to the wife, father, or mother, of ſuch officer or ſeaman, without fee, the ſum contained in ſuch bill, taking a receipt on the back thereof; which bill ſo paid being delivered together with the duplicate thereof at the navy office, ſhall be immediately aſſigned for payment by three or more commiſſioners of the navy; and ſhall be immediately repaid by the treaſurer of the navy, to ſuch receiver general, *&c.* or his order; but in caſe the duplicate of ſuch bill be not produced and payment demanded within ſix calendar months from the date, or if a proper certificate of the perſon claiming to be the wife, father, or mother, of ſuch officer or ſeaman be not likewiſe produced, then the ſaid receiver general, *&c.* ſhall return ſuch bill to the treaſurer of the navy at the pay office of the navy, who ſhall cauſe ſuch bill to be cancelled; and the ſum contained in ſuch bill ſhall become payable to ſuch inferior officer or ſeaman for whoſe wages it was made out,

out, or to his executors or adminiſtrators, or their reſpective attornies without fee or deduction when the wages due upon ſuch ſhip are paid.

CLXXXIV. *Sect.* 14. And for enabling inferior officers and ſeamen upon payment of their wages to remit any part thereof to their wives, children, or parents, or to ſuch other perſon as they judge proper; when any wages due to ſuch inferior officer or ſeaman are paid at the pay office of the navy, or at any of the out ports, if ſuch officer or ſeaman deſire to receive a bill for the whole, or for any part of his ſaid wages to be drawn upon the receiver general of the land tax for any county, *&c.* in *Great Britain*, or upon any collector of the cuſtoms for any port, or collector of the exciſe for any collection in *Great Britain*, or upon the clerk of the cheque at any of his Majeſty's dock yards; then two bills being duplicates and joined together with oblique lines or devices, ſhall be immediately made out, numbered, and dated, by the clerk of the treaſurer of the navy appointed to pay ſuch wages, and be ſigned, if made out at the pay office of the navy, by the commiſſioners of the navy comptrolling the payment when ſuch bills are ſo made out; or if made out at any of the out ports, by the commiſſioner of the navy comptrolling ſuch payment there; and ſuch bills ſhall be atteſted at the foot thereof, by the firſt clerk of the treaſurer of the navy at ſuch pay office or out port; and the ſaid bills ſhall be made payable to ſuch perſon only, and by ſuch receiver general, collector of the cuſtoms, collector of the exciſe, or clerk of the cheque, as are then named by ſuch inferior officer or ſeaman, and inſerted in ſuch bills; which ſhall be written or printed according to the following form:

A. N° I.

Day of

SIR,

Pay to B. C. *of* *plicate hereof, the ſum of* *riner, on board of his Majeſty's ſhip the*

on { his / her / their } *producing and delivering the du-being on account of the wages of* D. E. *ma-if the ſame be demanded within ſix calendar months from the date hereof; otherwiſe you are to return this bill to the treaſurer of the navy at the pay office of the navy.*

To { The Receiver general of the land tax for the county of / The Collector of the cuſtoms at the port of / The Collector of the exciſe at / The Clerk of the cheque at }

Signed, { F. G. *Commiſſioner of the navy.*

Atteſted, { H. J. *Clerk to the treaſurer of the navy.*

By virtue of the act of the thirty firſt of George *the ſecond.*

And ſo ſoon as the ſaid bill is made out, aſſigned, and atteſted, the ſaid commiſſioner of the navy ſhall cauſe them to be cut aſunder indentwiſe through the oblique lines or devices, and ſhall cauſe one of the ſaid bills to be delivered to ſuch officer or ſeaman, and the other to be tranſmitted to the ſaid receiver general, *&c.* on whom ſuch bill is drawn; and the ſaid receiver general, *&c.* if the duplicate of ſuch bill within ſix calendar months from the date be produced by the perſon to whom ſuch bill is

is payable, ſhall pay to ſuch perſon immediately, without fee, the ſum contained therein, taking a receipt on the back of the ſaid bill; which bill ſo paid, being delivered, together with a duplicate thereof, at the navy office, ſhall be immediately aſſigned for payment by three or more commiſſioners of the navy, and ſhall be immediately repaid by the treaſurer of the navy to ſuch receiver general, *&c.* or his order; but in caſe the duplicate of ſuch bill be not produced and payment demanded within ſix calendar months from the date, then the ſaid receiver general, *&c.* ſhall return ſuch bill to the treaſurer of the navy at the pay office of the navy, who ſhall cauſe ſuch bill, or the duplicate thereof ſo delivered to ſuch officer or ſeaman, if the ſame be returned, to be cancelled; and ſuch part of the wages for which ſuch bill was made out, ſhall be immediately paid to ſuch inferior officer or ſeaman, or his executors or adminiſtrators, or their reſpective attorney without fee or deduction.

CLXXXV. *Sect.* 15. If any receiver general, collector of the cuſtoms, collector of the exciſe, or clerk of the cheque, to whom the duplicate of any of the bills before directed to be made out is tendered for payment by the wife, father, or mother, of any ſuch officer or ſeaman, have not then in his hands public money ſufficient to anſwer the ſame, and refuſe or delay payment, ſuch receiver general, *&c.* ſhall immediately indorſe on the back of the ſaid duplicate, the day of its being ſo tendered to him, and the cauſe of his refuſal or delay to pay the ſame; and ſhall appoint thereon for payment, ſome day within two months from the day of its having been firſt tendered to him; which duplicate with the indorſement ſhall immediately be delivered back to the perſon preſenting the ſame. And if upon complaint to the reſpective commiſſioners for managing the land tax, cuſtoms, or exciſe, or to the commiſſioners of the navy if the perſon complained of be a clerk of the cheque, it appear that ſuch receiver general, collector of the cuſtoms, collector of the exciſe, or clerk of the cheque, hath unneceſſarily and wilfully refuſed or delayed the payment of ſuch bill; or that ſuch receiver general, *&c.* or any perſon employed under any of them, hath directly or indirectly taken any fee or deduction on account of the payment of the ſaid bill; it ſhall be lawful for any three of the ſaid commiſſioners to convict and fine ſuch offender under their reſpective direction, in any ſum not exceeding 50 *l.* which conviction ſhall be made by ſuch reſpective commiſſioners, and ſuch fine levied and recovered, in the ſame manner as any conviction may be made, and any penalty levied or recovered, for any offence againſt any law by which any cuſtom or excise is impoſed; and the ſaid fine ſhall be paid to the informer.

CLXXXVI. *Sect.* 16. This act ſhall not invalidate any indenture whereby any maſter is intitled to receive the wages or other allowances of money earned by his apprentice, but ſuch wages or other allowances ſhall be paid by the treaſurer of the navy or by his direction according to ſuch indenture; unleſs ſuch apprentice be above the age of 18 years at the time when ſuch indentures were executed, or unleſs ſuch apprentice be hired and rated as a ſervant to any commiſſion or warrant officer belonging to any of the ſhips of his Majeſty, ſuch apprenticeſhip not being then known to ſuch officer; in which caſe, the wages of ſuch ſervant ſhall be payable to ſuch commiſſion or warrant officer according to the practice of the navy, until ſuch officer be informed of ſuch apprenticeſhip: in either of the caſes before-mentioned, the maſter of ſuch apprentice ſhall not be intitled to receive any wages or allowances by virtue of any ſuch indenture.

CLXXXVII. *Sect.* 17. Every captain and commander of every ſhip of his Majeſty ſhall from time to time ſend to the commiſſioners of the navy at their board, by the firſt ſafe opportunity, all ſuch complete pay books, and all ſuch liſts and tickets, to be made out as aforeſaid; and alſo ſhall ſend once in every two months, to the commiſſioners of the navy at their board, one complete muſter book for ſuch ſhip ſigned by himſelf and the proper officers, not only for the ſaid two months, but for the whole time which ſuch ſhip has been in commiſſion, or from the time to which ſuch ſhip was laſt paid: and in caſe ſuch captain or commander be guilty of any neglect in any part hereof, the ſaid commiſſioners of the navy are not to grant to any ſuch captain or commander the general certificate to intitle him to his wages for ſuch ſhip, unleſs thereto required by particular order from the admiralty in caſes of neceſſity, and on its being made appear to them that the directions herein given have been complied with as far as the nature of the ſervice would admit, and that the ſaid complete pay

books, lists, tickets, and muster books, had been sent to the said commissioners of the navy, as often as proper opportunities offered: and in case such captain or commander shall not exculpate himself from such neglect before the commissioners of the admiralty within 12 calendar months after his arrival in *Great Britain*, he shall forfeit all the wages due to him for his service on board such ship, which are to be paid to the use of the chest at *Chatham*; and such captain or commander, being tried for and convicted of such offence by a court-martial, shall be liable to such farther punishment, not extending to loss of life or limb, as such court-martial shall adjudge.

CLXXXVIII. *Sect.* 18. Every such ticket certificate pay list and bill herein directed to be made out and paid as aforesaid, shall be sufficient vouchers for the treasurer of the navy, for the money so directed to be paid upon such tickets, *&c.* and paid by him thereon.

CLXXXIX. *Sect.* 19. If any captain or commander of any of the ships of his Majesty shall cause to be made out, and issued, any ticket for wages to any inferior officer or seaman, except in the manner and under the regulations before directed, he shall for every such offence forfeit 50 *l.* one moiety to the person who shall inform or sue for the same, and the other moiety to the use of the chest at *Chatham*; which forfeiture shall be sued for and recovered in any court of record at *Westminster*, by action of debt, *&c.* in which no essoin, *&c.* shall be allowed; and the court shall award costs to the parties: and where judgement is given against any such offender, the court where such judgement is given shall, with all convenient speed, certify the same to the commissioners of the admiralty, and such offender shall upon such certificate forfeit all the wages due to him for his service in such ship; which wages the commissioners of the admiralty shall direct to be paid to the use of the chest at *Chatham*.

CXC. *Sect.* 20. No captain or commander of any ship shall be liable to any penalty, upon account of any offence committed against this act before the first of *June* 1759. unless before the time of his committing such offence he have received the abstract of this act.

CXCI. *Sect.* 21. No letter of attorney made by any inferior officer or seaman in the service of his Majesty, or by the executors or administrators of any such officer or seaman, to impower any person to receive any wages or allowances of money due for such service, shall be good, unless such letter of attorney be declared to be revocable by the express words thereof; and unless such letter of attorney, if made by any such officer or seaman then in the service of his Majesty, be signed before and attested by the captain or commander and one other of the signing officers of the ship to which such inferior officer or seaman belongs, or by the clerk of the cheque at some of the dock yards; and unless such letter of attorney, if made by any officer or seaman discharged from the service of his Majesty, be signed before and attested by the mayor or chief magistrate of the town or place where such officer or seaman then resides; or if made by the executors or administrators of any such officer or seaman, unless such letter of attorney be signed before and attested by the minister and churchwardens, or in *Scotland*, by the minister and two elders of the parish where such executors or administrators respectively reside.

CXCII. *Sect.* 22. All letters of attorney, other than such as are made and attested in manner aforesaid, and all bargains, sales, bills of sale, contracts, agreements, and assignments concerning any wages or allowances of money due to any such inferior officer or seaman in the service of his Majesty, for such service, made after the said first of *November* 1758. shall be void: and the treasurer of the navy is to pay to every such inferior officer or seaman as appears at the pay table, or in his absence to his lawful attorney impowered in the manner before directed, or to the executors or administrators of such officer or seaman, or to their respective attorney authorized as before directed, the respective wages or allowances of money due to him, without regard to any such letter of attorney, bargain, sale, bill of sale, contract, agreement, or assignment.

CXCIII. *Sect.* 23. No ecclesiastical court or any person shall take any more than 1 *s.* for the seal, parchment, writing, and suing forth of the probate of any will or any letters of administration granted to the widow or children, father or mother, brother or sister, of any inferior officer, seaman, or marine, dying in the pay of his Majesty's navy, and for the trouble and expence attending the suing forth of such probate or letters of administration, unless the goods of such officer, seaman, or marine, amount to

20 *l.*

20 *l.* nor more than 2 *s.* unleſs the goods amount to 40 *l.* nor more than 3 *s.* unleſs the goods amount to 60 *l.* and where it is neceſſary to iſſue commiſſions, to ſwear the widows or children, father or mother, brother or ſiſter, being executors or adminiſtrators of ſuch inferior officers, ſeamen, or marines, no eccleſiaſtical court nor any perſon ſhall take more than 1 *s.* for the ſeal, parchment, writing, and ſuing forth of any ſuch commiſſion, and for the trouble and expence attending the ſame, unleſs the goods of ſuch officer, ſeaman, or marine, amount to 20 *l.* nor more than 2 *s.* unleſs the goods amount to 40 *l.* nor more than 3 *s.* unleſs the goods amount to 60 *l.* And if any perſon take any more than the ſaid ſums reſpectively, for the ſeal, parchment, writing, and ſuing forth of the probate of any ſuch will, or any ſuch letters of adminiſtration, and for the trouble and expence attending the ſame; or for the ſeal, parchment, writing, and ſuing forth of any ſuch commiſſion as aforeſaid, and for the trouble and expence attending the ſame; the perſon ſo offending ſhall forfeit to the party aggrieved 50 *l.* to be recovered with coſts by action of debt, *&c.* in any court of record at *Weſtminſter* or elſewhere.

CXCIV. *Sect.* 24. Whoſoever willingly and knowingly ſhall perſonate, or falſely aſſume the name or character of, or procure any other to perſonate, or falſely to aſſume the name or character of any officer, ſeaman, or other perſon, intitled or ſuppoſed to be intitled to any wages or other allowances of money or prize money for ſervice done on board of any ſhip of his Majeſty, or the executor or adminiſtrator, wife, relation, or creditor, of any ſuch officer or ſeaman, or other perſon, in order to receive any wages, *&c.* due or ſuppoſed to be due on account of the ſervices of any ſuch officer or ſeaman or other perſon; or forge or counterfeit, or procure to be forged or counterfeited, any letter of attorney, bill, ticket, certificate, aſſignment, laſt will, or any other power, in order to receive any ſuch wages, *&c.* or willingly and knowingly take a falſe oath, or procure any other perſon to take a falſe oath, to obtain the probate of any will, or to obtain letters of adminiſtration, in order to receive the payment of any ſuch wages, *&c.* every perſon ſo offending being convicted ſhall be deemed guilty of felony, and ſhall ſuffer death as a felon without benefit of clergy.

CXCV. *Sect.* 25. When any of the pay books of the ſhips of his Majeſty are cloſed, ſuch ſeamen as ſhall not then receive or have received the wages or other allowances of money due to them, ſhall upon application to the commiſſioners at their board, receive tickets made out to them to the value of the wages or other allowances due to them reſpectively, and the ſaid commiſſioners are to make out the ſaid tickets, and to cauſe the ſame to be dated, numbered, regiſtered and paid in courſe, once a month.

CXCVI. *Sect.* 26. The governors, miniſters, and conſuls, appointed by his Majeſty in foreign parts, and reſiding there, or where none ſuch are reſident any two *Britiſh* merchants there reſiding, ſhall ſend and provide for all ſeafaring men and boys, ſubjects of *Great Britain*, that by ſhipwreck, capture, or other unavoidable accident, be driven or caſt away to, or that be diſcharged as unſerviceable from any of the ſhips of the royal navy, at ſuch foreign parts where ſuch governors, *&c.* reſide; and ſhall ſubſiſt ſuch ſeafaring men and boys, after the rate of 6 *d. per diem* each; and ſend bills of their diſburſements upon ſuch occaſions, with vouchers, to the commiſſioners of the navy at their board, who are to cauſe immediate payment to be made; and the ſaid governors, miniſters, conſuls, and merchants, ſhall ſend the ſaid men or boys on board the firſt ſhip belonging to his Majeſty, that arrives at the parts where they reſide, or any other places within a convenient diſtance; or in caſe no ſhip of war be then in ſuch parts or within a convenient diſtance, they ſhall ſend ſuch men or boys on board ſuch merchant ſhips as are bound for any port of *Great Britain*, and are in want of men; but if neither caſe happens within a convenient time, they ſhall provide a paſſage homeward for ſuch men and boys, in the firſt merchant ſhip bound for *Great Britain*: and every maſter of a merchant ſhip that arrives in ſuch foreign parts, and is homeward bound from thence to any port in *Great Britain*, ſhall take on board ſuch and ſo many of ſuch ſeafaring men or boys, as the ſaid governors, *&c.* direct, not exceeding four for each 100 tons of which his ſhip conſiſts.

CXCVII. *Sect.* 27. Every ſuch maſter of a ſhip who ſhall produce a certificate under the hands of the ſaid governors, miniſters, conſuls, or merchants, or any of them, certifying the number and names of the men or boys taken on board by their direction, and the time of taking them on board, and make an affidavit at his return, ſetting

ſetting forth the time during which he ſubſiſted ſuch men or boys, and that he did not, during that time, want of his own complement of men, or how many he did want of ſuch complement and for what time, ſhall receive, and the commiſſioners of the navy at their board are to cauſe to be paid to ſuch maſter 6 *d. per diem* for the paſſage and proviſions of each man and boy, from the day of their embarkation homewards to the day of their arrival in *Great Britain* or being put into ſome ſhip of his Majeſty; 6 *d. per diem* only being deducted for ſuch time, and for ſo many perſons, as ſuch maſter wanted of his complement during the voyage.

CXCVIII. *Sect.* 28. No perſon who ſhall liſt to ſerve as a ſeaman on board any of the ſhips of his Majeſty, ſhall be liable to be taken out of the ſervice by any proceſs or execution in *Great Britain*, *Ireland*, or any of his Majeſty's dominions, other than for ſome criminal matter; unleſs ſuch proceſs or execution be for a real debt, or other juſt cauſe of action, and unleſs before the taking out of ſuch proceſs or execution, the plaintiff or ſome perſon on his behalf make affidavit before a judge of the court out of which ſuch proceſs or execution iſſues, or before ſome perſon authorized to take affidavits in ſuch courts, that to his knowledge the ſum owing to the plaintiff from the defendant in the action or cauſe of action on which ſuch proceſs iſſues, or the debt or damage and coſt for which ſuch execution iſſues, amounts to 20 *l.* a memorandum of which oath ſhall be marked on the writ; for which memorandum or oath no fee ſhall be taken; and if any perſon be arreſted contrary to this act, it ſhall be lawful for a judge of ſuch court, upon complaint by the party or by any of his ſuperior officers, to examine into the ſame by the oath of the parties or otherwiſe, and by warrant under his hand and ſeal to diſcharge ſuch ſeamen without paying any fee, upon proof that ſuch ſeamen ſo arreſted were belonging to one of the ſhips of his Majeſty, and arreſted contrary to this act, and alſo to award to the party ſo complaining reaſonable coſts; for recovery whereof, he ſhall have the like remedy that the plaintiff might have had for his coſts.

CXCIX. *Sect.* 29. It ſhall be lawful for any plaintiff, upon notice firſt given in writing of the cauſe of action to ſuch ſeaman belonging to the royal navy, or left at his laſt place of reſidence before his entering into the ſervice, to file a common appearance in any action for any debt, ſo as to intitle ſuch plaintiff to proceed to judgement and outlawry, and to have an execution thereupon other than againſt the body of him ſo belonging to any ſhip of his Majeſty.

CC. *Sect.* 30. No perſon employed in the receiving of any wages prize money or other monies, due upon account of the ſervice of any officer ſeaman or other perſon in the royal navy, ſhall be intitled to take more than 6 *d.* in the pound for receiving thereof, and for paying the ſame to the perſon by whom he is employed or according to the direction of ſuch perſon, and for all his trouble and attendance: and if any perſon ſo employed directly or indirectly demand, take, or retain, or procure, or willingly ſuffer, to be demanded, taken, or retained, any allowance or valuable conſideration, exceeding in the whole the ſum of 6 *d.* in the pound for the monies ſo received, every ſuch perſon ſhall for every ſuch offence forfeit 50 *l.* to be recovered, with coſts, to any perſon who will ſue in any court of record at *Weſtminſter*, by action of debt, *&c.* in which no eſſoin, *&c.* ſhall be allowed: and if any ſuch offender be a clerk, officer, or ſervant, in any office relating to the navy, he ſhall upon conviction over and above the ſaid penalty of 50 *l.* forfeit his place, and be for ever thereafter incapable of holding any place of profit in any ſuch office.

CCI. *Sect.* 31. If any clerk, officer, or ſervant, in any office relating to the navy, directly or indirectly demand, take, or retain, or procure, or willingly ſuffer, to be demanded, taken, or retained, any fee or valuable conſideration (not being authorized ſo to do by this act) from any perſon under pretence of the doing any thing hereby directed, or in execution hereof, every ſuch clerk, *&c.* ſhall be ſubject to the ſame forfeitures, coſts, and incapacities, as is before mentioned with reſpect to the taking more than 6 *d.* in the pound for the receiving of ſeamens wages.

CCII. *Sect.* 32. So much of 9 *&* 10 *Will.* 3. *cap.* 41. as relates to the taking no more than 1 *s.* for ſuing forth any letters of adminiſtration to the wife or children of any ſeaman dying in the pay of his Majeſty's navy, unleſs the goods of ſuch ſeaman amount to 20 *l.* and ſo much of 4 *Ann. cap.* 19. as relates to the payment of the wages due to ſeamen turned over from one ſhip to another; and ſo much of 1 *Geo.* 2. *cap.* 9.

cap. 9. as contains any proviſions relative to his Majeſty's royal navy, or the commiſſioners thereof, or to the captains, commanders, ſeamen, or other perſons ſerving therein, or to the payment of the wages due for ſuch ſervice; and alſo an act 1 *Geo.* 2. *cap.* 14. ſhall be repealed.

CCIII. *Sect.* 33. The commiſſioners of the admiralty ſhall direct an abſtract of the proviſions and regulations herein contained, for the benefit of ſeamen belonging to the ſhips of his Majeſty, together with the articles of war, to be printed; and a competent number of the copies thereof ſhall be delivered to the captain or commander of every ſuch ſhip; and ſuch captain or commander, as ſoon as the ſhip by him commanded is put into ſea pay, ſhall cauſe one of the ſaid printed abſtracts, together with the articles of war, to be affixed to the moſt public place of ſuch ſhip, and ſhall cauſe the ſame to be conſtantly kept up, ſo that they may be at all times acceſſible to the inferior officers and ſeamen on board. And every ſuch captain or commander ſhall cauſe ſuch abſtract to be read over once in every month, in the preſence of the officers and ſeamen of ſuch ſhip immediately after the articles of war are read: and the reading both of the articles of war and of this abſtract, and the days when read, ſhall be atteſted by the captain or commander and the uſual ſigning officers of ſuch ſhip, at the foot of the muſter books for ſuch ſhip before they are tranſmitted to the commiſſioners of the navy. And the ſaid commiſſioners are to enquire whether the directions hereby given for affixing the ſaid abſtract and articles of war, and for the reading of the ſame, have been obſerved by the captain or commander of ſuch ſhip, and not to grant to ſuch captain or commander his general certificate until they are ſatisfied thereof; to the end that every ſeaman employed in the royal navy may at the ſame time hear and know the puniſhments he is liable to for neglect or diſobedience, and the encouragements and benefits to which he is intitled by a faithful performance of his duty; and that upon ſuffering any injury in ſuch ſervice, he may be the better enabled to lay his complaint before the commiſſioners of the admiralty who are upon any ſuch complaint to enquire into the circumſtances of the ſame, and to grant redreſs therein, if ſuch complaint be juſtly founded; and to take care that this act, be carried into execution. *A preſcribed form of the abſtract of the act is annexed to the act.*

Service and ſacraments.

XCII. **Stat.** 23 *Geo.* 2. *cap.* 28. *ſect.* 1. Every allowance and approbation of any lawful impediment already given or hereafter to be given in purſuance of the 13 & 14 *Car.* 2. *cap.* 4. *ſect.* 6. by any archbiſhop, biſhop, or ordinary, to any perſon for not reading in the church or place of public worſhip belonging to his benefice within two months after he is in poſſeſſion of the ſaid benefice upon ſome lord's day publicly the morning and evening prayers according to the book of common prayer, and for not publicly declaring his aſſent to the uſe of all things therein contained and preſcribed, ſhall extend to the not reading the certificate and declaration in the 8th, 9th, and 11th ſections of the ſaid act mentioned, altho' the ſame be not mentioned in the ſaid allowance and approbation, for the like time as the ſaid allowance and approbation extends to.

XCIII. *Sect.* 2. Every perſon who hath read or ſhall read the articles mentioned in 13 *Eliz. cap.* 12. and hath made or ſhall make the ſaid declaration, at the ſame time that he did read or ſhall read the morning and evening prayer, and declare his aſſent to the uſe of all things therein contained and ſpecified, according to the directions of 13 and 14 *Car.* 2. *cap.* 4. ſhall be adjudged to have complied with the meaning of the 13 *Eliz. cap.* 12. *ſect.* 3. although the ſame were not or may not be read within two months after ſuch perſon's induction into any benefice with cure; and every ſuch perſon ſhall be diſcharged from any deprivation, or other forfeiture by virtue of the ſaid act.

XCIV. *Sect.* 3. This act ſhall not reſtore any perſon to any parſonage, vicarage, or benefice, curate's place, or lecturer's place, which for want of reading ſuch certificate and declaration within the time directed by 13 and 14 *Car.* 2. *cap.* 4. *ſect.* 11. or of reading the ſaid articles and declaration concerning the ſame, according to 13 *El.*

cap. 12. *ſect.* 3. hath been forfeited and is already filled up. See **Nonconformiſts, Oaths.**

Sheep.

XXI. **Stat.** 14 *Geo.* 2. *cap.* 6. *ſect.* 1. If any perſon feloniouſly drive away, or feloniouſly ſteal one or more ſheep or other cattle of any other perſon, or wilfully kill one or more ſheep or other cattle of any other perſon, with a felonious intent to ſteal the carcaſe or any part of it, or aſſiſt any perſon to commit any ſuch offence; the perſon guilty of any ſuch offence, ſhall be adjudged guilty of felony, and ſuffer death as in caſes of felony without benefit of clergy.

XXII. *Sect.* 2. Every perſon who ſhall apprehend and proſecute to conviction any offender guilty of the offences before mentioned, ſhall receive as a reward upon every conviction 10*l.* to be paid within one month after ſuch conviction by the ſheriff of the county where ſuch offence is committed, without any deduction; the perſon apprehending ſuch offender tendering a certificate to the ſheriff ſigned by the judge before whom ſuch offender is convicted, certifying ſuch conviction and where the offence was committed, and that ſuch offender was apprehended and proſecuted by the perſon claiming the reward; which certificate the ſaid judge is to ſign before the end of the ſeſſions or aſſizes at which ſuch conviction is; and in ſuch certificate ſhall direct (in caſe more than one perſon claim the ſaid reward) what ſhare thereof ſhall be paid to each claimant; and if any ſuch ſheriff die or be removed before the expiration of one month after ſuch conviction, and demand made of the ſaid reward (the ſame not being paid) then the next ſucceeding ſheriff ſhall pay the ſame within one month after demand and certificate made as aforeſaid; and if default of payment be made by any ſheriff, ſuch ſheriff ſhall forfeit to the perſon to whom ſuch money is due, double the ſum he ought to have paid, to be recovered by him or his executors or adminiſtrators, in any court of record at *Weſtminſter*, with treble coſts of ſuit.

XXIII. *Sect.* 3. All ſheriffs their executors and adminiſtrators, upon producing ſuch certificates and the receipts for the monies paid, ſhall be allowed upon their accounts all monies, other than double the ſums of money, and treble coſts of ſuit, which they diſburſe as aforeſaid; and if upon account of any ſheriff there be not money ſufficient in his hands to reimburſe him, then he ſhall be repaid by the commiſſioners of the treaſury out of the revenue of the crown upon certificate from the clerk of the pipe.

XXIV. **Stat.** 15 *Geo.* 2. *cap.* 34. The act of 14 *Geo.* 2. *cap.* 6. was intended and ſhall be deemed to extend to any bull, cow, ox, ſteer, bullock, heifer, calf and lamb, as well as ſheep, and to no other cattle.

Sheriffs.

XCI. **Stat.** 20 *Geo.* 2. *cap.* 37. *ſect.* 1. All ſheriffs ſhall at the expiration of their office turn over to the ſucceeding ſheriff, by indenture and ſchedule, all ſuch writs and proceſs as remain in their hands unexecuted, who ſhall execute and return the ſame; and in caſe any ſheriff neglect to turn over ſuch proceſs, he ſhall be liable to make ſatisfaction by damages and coſts to the party aggrieved.

XCII. *Sect.* 2. No ſheriff ſhall be called upon to make a return of any writ or proceſs, unleſs he be required ſo to do within ſix months after the expiration of his office.

XCIII. **Stat.** 24 *Geo.* 2. *cap.* 48. *ſect.* 12. The officers and perſons who by 14 *Edw.* 3. *cap.* 7. par. IX. or any other law, ought to aſſemble at the exchequer yearly on the morrow of *All Souls* for nominating ſheriffs, ſhall not aſſemble on that day, but ſhall aſſemble yearly on the morrow of *St. Martin* at the exchequer.

XCIV. **Stat.** 32 *Geo.* 2. *cap.* 14. *ſect.* 1. On every writ of covenant which ſhall be ſued out for the paſſing of fines in the common pleas at *Weſtminſter*, the officer whoſe

whoſe duty it is to ſet and indorſe the preſine payable thereon, ſhall at the ſame time ſet the uſual poſt fine, and indorſe the ſame on the back of the ſaid writ, together with his name or mark of office, in like manner as the ſame are now indorſed at the King's ſilver office; which poſt fine ſhall be forthwith paid to the receiver of preſines at the alienation office, with 4 *d.* as his fee for receiving the ſame, inſtead of the fee of 4 *d.* charged on lands and hereditaments, and payable to theriffs, bailiffs, and others, on diſcharging the ſame, by 3 *Geo.* 1. *cap.* 15. which fee of 4 *d.* by the ſaid act granted, after the firſt day of *Trinity* term 1759, ſhall ceaſe; and ſuch receiver ſhall indorſe upon the back of every ſuch writ of covenant, one mark of office, as is now uſed by him on the receipt of preſines at the alienation office, with the name of ſuch receiver, and the ſum received as the poſt fine, which mark of ſuch receiver ſhall diſcharge the manors lands and hereditaments compriſed in the ſaid writ of covenant, and the cognizees named therein.

XCV. *Sect.* 2. The officer or clerk of the King's ſilver office, or his deputy, ſhall continue to enter every ſuch fine upon record in the way hitherto uſed, and make the ſame entries, and put thereon the ſame indorſements, with the ſame mark, and in like manner, as has hitherto been the practice of the ſaid office in paſſing of fines; and no fine, until the ſame be marked with the ſum to which the poſt fine amounts in the King's ſilver office, ſhall be effectual in law.

XCVI. *Sect.* 3. Where no preſine is payable on any writ of covenant. (viz. *where the lands are under the yearly value of five marks)* the officer at the alienation office whoſe duty it is to ſet the preſines ſhall ſet on every writ of covenant brought to the ſaid alienation office, on which no preſine is payable, a poſt fine of 6*s.* 8 *d.* and ſhall indorſe ſuch poſt fine of 6*s.* 8 *d.* on every ſuch writ of covenant, with his name and mark of office, as it hath been uſual; and every ſuch poſt fine of 6*s.* 8 *d.* ſhall be paid to the receiver of the alienation office, before the writ of covenant on which no preſine is payable be paſſed at the alienation office; and the receiver, on payment of the ſaid 6*s.* 8 *d.* ſhall indorſe and mark every ſuch writ of covenant, as other writs of covenant are by this act directed to be indorſed.

XCVII. *Sect.* 4. The officer or clerk of the King's ſilver office, or his deputy, after the firſt day of *Trinity* term 1759, ſhall not receive any writ of covenant, unleſs it appear by the mark and indorſement of ſuch receiver, that the poſt fine has been paid.

XCVIII. *Sect.* 5. If after the payment of ſuch poſt fine the writ of covenant by the death of any of the parties, or other cauſe, be prevented from paſſing through the ſeveral other offices, ſo as the ſaid fine is not compleated; then the ſaid receiver ſhall repay to the cognizees or their attorney, on producing and filing with him the ſaid writ of covenant, every ſuch ſum as has been before by him received for the poſt fine; and ſuch writ of covenant ſo remaining filed with ſuch receiver ſhall be a diſcharge to ſuch receiver.

XCIX. *Sect.* 6. Every ſuch receiver, before he takes upon him the execution of his office, ſhall enter into recognizance before one of the barons of the exchequer, to his Majeſty, with one or more ſureties, as thought proper by ſuch baron, in the penal ſum of 5000 *l.* conditioned for the due execution of the ſaid office, and to pay unto every ſheriff in *England*, or his under-ſheriff or lawful attorney, on producing to ſuch receiver or his clerk at his office the *quietus* of the ſheriff for whom payment is required, the ſum total of the poſt fines contained in ſuch *quietus*, wherewith ſuch ſheriff is charged in his account in the exchequer; and alſo to pay unto the lords of liberties, proprietors, or grantees of poſt fines or their bailiffs or attorney, upon producing unto the ſaid receiver, or his clerk at his office, the reſpective ſchedules of the foreign appoſer, or clerk of the eſtreats of the court of exchequer, the ſeveral ſums in ſuch ſchedules contained, and ſet over as poſt fines to ſuch lords, proprietors, or grantees; which ſurety ſhall juſtify him or herſelf, before the baron taking ſuch recognizance, to be worth 2,500 *l.* over and beſides all debts and incumbrances; and every ſuch recognizance ſhall be tranſmitted by the baron who takes the ſame to the King's remembrancer of the court of exchequer, there to be filed and remain on record; and ſuch receiver, and his ſureties, ſhall be reſpectively liable to the amount of ſuch penal ſum, to make ſatisfaction to each ſheriff, and to the lords of liberties, proprietors, or grantees, for all poſt fines received by ſuch receiver, his deputy or agent, on any

any fine levied of any lands or hereditaments within their reſpective ſheriffwicks or liberties; and in caſe of the death or inſolvency of any of the ſaid ſureties, after the entering into ſuch recognizance, then one or more ſureties in the room of him ſo dying or becoming inſolvent, ſhall within one month enter into ſuch recognizance as the ſaid ſurety ſo dying or becoming inſolvent had entered into, and juſtify as is before directed; in default of which the ſaid office ſhall immediately ceaſe and be void.

C. *Sect.* 7. Every ſuch receiver, his clerk or agent, ſhall daily (*ſundays* and holidays excepted) attend at the alienation office, from nine in the morning till one in the afternoon, and ſhall deliver back every ſuch writ of covenant as aforeſaid, when called for at the ſaid alienation office, during the office hours, within two days after every ſuch poſt fine is paid, unleſs the laſt of the ſaid two days be a *ſunday* or holiday, and then on the next day.

CI. *Sect.* 8. Every ſuch receiver ſhall pay unto every ſheriff of *England*, his underſheriff or lawful attorney, on producing his *quietus*, the ſeveral ſums in the ſaid *quietus* mentioned to have been by him accounted for in the receipt of the exchequer, on the paſſing of his accounts for poſt fines of the court of *common pleas* at *Weſtminſter*; and alſo pay unto all lords of liberties, proprietors, or grantees, of ſuch poſt fines, or their bailiff or attorney, upon producing the ſchedules of the foreign appoſer, or clerk of the eſtreats of the court of *Exchequer*, the ſeveral ſums in the ſaid ſchedules allowed to them as poſt fines; the ſaid receiver deducting and retaining to himſelf, out of every 20 *s.* which he ſo pays, the ſum of 6 *d.* only for his trouble, but neither the receiver, nor any other perſon for his attendance on ſuch receiver, ſhall be allowed any fee for doing any thing by this act directed, except the ſaid fees in this act mentioned.

CII. *Sect.* 9. If any perſon after the firſt day of *Trinity* term 1759, make, forge, or counterfeit, or cauſe to be made, forged, or counterfeited, the mark or hand of ſuch receiver, whereby ſuch receiver or any other perſon may be defrauded, every perſon convicted of ſuch offence, ſhall be deemed guilty of felony, and ſhall ſuffer death.

CIII. *Sect.* 10. Every ſuch receiver refuſing or neglecting to pay ſuch poſt fines to the ſheriffs, lords of liberties, proprietors, or grantees, or their attornies or bailiffs, ſhall be ſubject to ſuch order as the barons of the *Exchequer* of the degree of the coif ſhall make for the payment of the ſame; and the ſaid receiver, and every perſon guilty of any wilful default, extortion, or miſdemeanor, contrary to the meaning of this act, ſhall forfeit to the part yaggrieved treble damages with full coſts; which may be awarded by the barons of the *Exchequer*, upon application and proof in ſuch ſummary way as to them ſeems meet; provided every ſuch application be made within two years after ſuch offence. And ſuch orders of the court of *Exchequer* ſhall have the ſame force, and the obſervance thereof be inforced by ſuch ways, as any other orders of the ſame court.

CIV. *Sect.* 11. This act ſhall not alter the operation of any fine which after the firſt day of *Trinity* term 1759, ſhall be levied in the *common pleas* at *Weſtminſter*, or the courſe of paſſing fines in that court, otherwiſe than by this act directed.

CV. *Sect.* 12. This act ſhall be a public act.

Ships.

CLXIV. **Stat.** 14 *Geo.* 2. *cap.* 39. The commiſſioners for diſcovering the longitude, or five of them, ſhall have power to apply ſuch part of the ſum of 2000 *l.* mentioned in 12 *Ann. ſt.* 1. *cap.* 15. Par. LXXIII. as has not already been laid out in experiments, as they think neceſſary for the making a ſurvey, and determining the longitude and latitude of the chief ports and head lands on the coaſts of *Great Britain* and *Ireland*, and the iſlands and plantations thereto belonging; and ſuch ſum part of the ſaid 2000 *l.* which they ſhall think neceſſary ſhall be paid immediately by the treaſurer of the navy to the perſons appointed by them, to make ſuch ſurvey and determine ſuch longitude and latitude, out of the money in the hands of ſuch treaſurer unapplied for the uſe of the navy.

CLXV. **Stat.** 17 *Geo.* 2. *cap.* 34. *ſect.* 1. For the better carrying on the war againſt *France*, and for the encouragement of officers and ſeamen, and for ſecuring the trade

of

of his Majeſty's ſubjects, be it enacted, that the flag officers, commanders, and other officers, ſeamen, marines, and ſoldiers, on board every ſhip of war in his Majeſty's pay, ſhall have the ſole intereſt and property in every ſhip and goods which they have taken ſince the 29th of *March* 1744, or ſhall take (being firſt adjudged lawful prize in any court of admiralty in *Great Britain*, or in the plantations) to be divided as his Majeſty by his declaration dated the 29th of *March* 1744, directed; or in ſuch proportions as his Majeſty ſhall order by proclamation hereafter.

CLXVI. *Sect.* 2. The commiſſioners of the admiralty, or three of them, or any perſon by them impowered ſhall, at the requeſt of any owner of any ſhip, giving the uſual ſecurity (except only for the payment of the tenths of the value of prizes to the admiralty) cauſe to be iſſued commiſſions to any perſon whom ſuch owner ſhall nominate to be commander of ſuch ſhip, for the attacking and taking by ſuch ſhip any fortreſs upon land, or any ſhip, goods, or ſtores of war of his Majeſty's enemies in any ſea creek haven or river; and ſuch ſhip ſtores of war and goods ſo taken (being firſt adjudged lawful prize) ſhall intirely belong to, and be divided among the owners of ſuch ſhip and the perſons on board aſſiſting to the taking thereof, in ſuch ſhares as ſhall be agreed on; and neither his Majeſty nor any admiral or other perſon ſhall be entitled to any ſhare thereon, except as to the cuſtoms and duties hereafter mentioned.

CLXVII. *Sect.* 3. The judge of the court of admiralty, or other perſon authorized, ſhall within five days after requeſt finiſh the uſual preparatory examination to enquire whether the capture be lawful prize; and the uſual monition ſhall be iſſued, and ſhall be executed within three days after requeſt; and in caſe no claim of ſuch capture be duly entered and atteſted upon oath, giving 20 days notice after the execution of ſuch monition, or if there be ſuch claim, and the claimant give not within five days ſecurity to be approved by ſuch court of admiralty, to pay double coſts to the captor in caſe the ſhip, *&c.* ſo claimed be adjudged lawful prize, then the judge of ſuch court of admiralty ſhall, upon producing to him the ſaid examinations or copies thereof, and upon producing to him upon oath all papers found in ſuch capture, or upon oath made that no ſuch papers were found, immediately proceed to ſentence either to diſcharge ſuch capture or to condemn the ſame as lawful prize. And in caſe ſuch claim be duly entered and ſecurity given, and there appear no occaſion to examine any witneſſes, other than what be then near, ſuch judge ſhall cauſe ſuch witneſſes to be examined within ten days after ſuch claim made, and proceed to ſentence: but in caſe it appear doubtful to the judge whether ſuch capture be lawful prize, and it appear neceſſary to have an examination of witneſſes that are remote, then the ſaid judge ſhall cauſe ſuch capture to be appraiſed by perſons named by the parties, and appointed by the court, and ſworn; for which purpoſe the ſaid judge ſhall cauſe the goods found on board to be unladen, and an inventory being firſt taken by the marſhal of the admiralty or his deputy, cauſe them to be put into warehouſes, with ſeparate locks of the collector and comptroller of the cuſtoms (and where there is no comptroller, of the naval officer) and the agents employed by the captors and claimants, at the charge of the party deſiring the ſame; and after ſuch appraiſement, and within 14 days after the making ſuch claim, take ſecurity from the claimants to pay the captors the value according to ſuch appraiſement, in caſe the ſame be adjudged lawful prize; and alſo take ſecurity from the captors to pay ſuch coſts as the court think proper, in caſe ſuch ſhip be not condemned as lawful prize; and after ſuch ſecurities given the ſaid judge ſhall make an interlocutory order for delivering the ſame to ſuch claimant or his agents; and the ſame ſhall be delivered accordingly.

CLXVIII. *Sect.* 4. If any claimant refuſe to give ſuch ſecurity, the judge ſhall cauſe the captor to give ſecurity to be approved of by the claimant, to pay the claimant the value according to the appraiſement, in caſe ſuch capture be adjudged not lawful prize; and the ſaid judge ſhall thereupon make an interlocutory order for the delivering the ſame to the ſaid captor or his agents.

CLXIX. *Sect.* 5. All ſuch captures brought into any of the plantations in *America*, ſhall without breaking bulk ſtay there and be under the joint cuſtody of the collector and comptroller of the cuſtoms (or where there is no comptroller, of the naval officer of the port) and all the captors thereof, and their agents, ſubject to the directions of the court of admiralty, until the ſame be diſcharged or condemned, or ſuch interlocutory

order made for delivering the ſame; and upon condemnation, ſhall in caſe the ſame were taken by any private ſhip commiſſioned as aforeſaid, be immediately delivered unto the captors and their agents; and in caſe the ſame were taken by any of his Majeſty's ſhips, unto ſuch perſons, and to be ſo diſpoſed of as his Majeſty has by his ſaid declaration directed, or ſhall by proclamation hereafter direct.

CLXX. *Sect.* 6. If any judge or other officer in any of his Majeſty's plantations or dominions abroad, delay the condemning or diſcharging any ſuch capture within the times herein limited, every ſuch judge and other officer ſhall for every ſuch offence forfeit 500 *l.* one moiety to his Majeſty, the other moiety with coſts to ſuch perſon who ſhall inform or ſue for the ſame in any court in the plantations, or in any court of record in *Great Britain*.

CLXXI. *Sect.* 7. There ſhall not be paid unto or among all the judges and officers of ſuch court of admiralty in any of his Majeſty's plantations or dominions abroad, for the condemning ſuch capture above 10 *l.* in caſe ſuch prize be under the burthen of 100 tons, nor above 15 *l.* in caſe the ſame be of that or any greater burthen; and upon payment of the reſpective ſum to the judges, or any of them, to be divided as they think fit among the officers of ſuch court, ſuch judges and officers ſhall be liable to all the penalties for delaying to do their duties within the times limited.

CLXXII. *Sect.* 8. If any captor or claimant reſt not ſatisfied with the ſentence of ſuch court of admiralty abroad, it ſhall be lawful for the parties aggrieved to appeal to the commiſſioners appointed under the great ſeal of *Great Britain* for hearing appeals in cauſes of prizes; ſuch appeal to be allowed as appeals to ſuch commiſſioners are allowed from the court of admiralty in this kingdom, ſo as the ſame be made within 14 days after ſentence, and ſecurity given by the appellant to proſecute ſuch appeal and anſwer the condemnation and pay treble coſts, in caſe the ſentence of ſuch court of admiralty be affirmed.

CLXXIII. *Sect.* 9. Provided the execution of any ſentence ſo appealed from be not ſuſpended by ſuch appeal, in caſe the party give ſecurity to be approved of by the court in which ſentence is given, to reſtore the ſhip or effects concerning which ſuch ſentence is pronounced, or the value, to the appellant in caſe the ſentence be reverſed.

CLXXIV. *Sect.* 10. In caſe any perſon who was not a party in the firſt inſtance of the cauſe, interpoſe an appeal from a ſentence given in any admiralty court, ſuch perſon, or his agent, ſhall at the ſame time, enter his claim, otherwiſe ſuch appeal ſhall be void.

CLXXV. *Sect.* 11. If any commander, officer, ſeaman, marines, ſoldiers, or others, break bulk on board, or imbezil any of the money, jewels, plate, goods, merchandiſe tackle, furniture, or apparel of ſuch prize, he ſhall forfeit treble the value of all ſuch money, *&c.* as he imbezils; one third to the uſe of *Greenwich-hoſpital*, and the other two thirds, to him that will ſue by action of debt, *&c.* in any court of record in *Great Britain*, in which no eſſoin, *&c.* ſhall be allowed.

CLXXVI. *Sect.* 12. All appraiſements and ſales of any ſhip or goods taken by any of his Majeſty's ſhips, ſhall be made by agents appointed in equal numbers by the commander, by the officers, and by the ſhip's company and others entitled thereunto.

CLXXVII. *Sect.* 13. Provided, nothing herein ſhall alter or make void any agreement in writing, between the owners, officers, and ſeamen of any private ſhips of war.

CLXXVIII. *Sect.* 14. After the ſale of ſuch prize taken by any of his Majeſty's ſhips, public notification ſhall be given by the agents of the day appointed for the payment of the ſeveral ſhares to the captors; after which if any mens ſhares remain in the hands of the agents, either belonging to ſuch men as be run from his Majeſty's ſervice, or which be not legally demanded within three years, then ſuch ſhares ſhall be paid to the uſe of *Greenwich-hoſpital*.

CLXXIX. *Sect.* 15. Nothing herein contained ſhall exempt any ſhips, or goods taken as prize and brought into this kingdom, or any of the plantations in *America*, from the payment of any duties, or from being ſubject to ſuch regulations to which they are liable by law.

CLXXX. *Sect.* 16. His Majeſty may during the preſent or any future war, grant any charter, commiſſion, or grant, for enabling any ſociety or particular perſons to join in any expeditions by ſea or land for the attacking, taking or deſtroying any ſhips,

goods, ſettlements, factories, harbours, lands, or forts, belonging to or poſſeſſed by any enemy, and for aſſuring to the ſocieties and perſons concerned the property of the ſame under ſuch regulations as his Majeſty ſhall think fit.

CLXXXI. *Sect.* 17. Provided nothing be contained in any charter, commiſſion, or grant, made in purſuance of this act, to reſtrain any of his Majeſty's ſubjects from having a free trade to the places contained in ſuch charters.

CLXXXII. *Sect.* 18. There ſhall be paid by the treaſurer of his Majeſty's navy, upon bills to be made forth by the commiſſioners of the navy, without fee, unto the officers, ſeamen, marines, ſoldiers, or others on board ſuch of his Majeſty's ſhips or privateers, in any action where any ſhip of war or privateer is taken from the enemy or deſtroyed, ſince his Majeſty's declaration of war againſt *France*, 5 *l.* for every man living on board the ſhip ſo taken or deſtroyed at the beginning of the engagement; the numbers of ſuch men to be proved by the oaths of three or more of the chief officers or men belonging to the ſaid ſhip of the enemy at the time of her being taken as prize, or deſtroyed, before the mayor or chief magiſtrate of the port in any of his Majeſty's dominions, whereunto any prize, or officers, or men of ſuch ſhip are brought; or before the *Britiſh* conſul, or vice conſul, reſiding at any neutral port, to which ſuch prize, or officers, or men are brought; and the ſaid mayor, *&c.* ſhall forthwith grant a certificate thereof, without fee, directed to the commiſſioners of the navy: upon producing which certificate with an authentic copy of the condemnation of the ſhip ſo taken, or if ſuch ſhip be deſtroyed, on producing only a certificate from the mayor, *&c.* the commiſſioners of the navy, or ſuch perſon as they appoint, ſhall within 15 days make out bills for the amount of ſuch bounty, directed to the treaſurer of the navy, payable to and to be divided amongſt the officers, ſeamen, marines, and ſoldiers, on board his Majeſty's ſhips as by his Majeſty's proclamation directed, and amongſt the owners, officers, and ſeamen of any private ſhip of war, in ſuch proportion as by any agreement in writing directed.

CLXXXIII. *Sect.* 19. The bills to be made out for the ſaid bounty hereby granted to the commanders, *&c.* of his Majeſty's ſhips ſhall be made payable to perſons authorized by the commander, and by the majority of the officers, and the major part of ſuch ſhip's company and others, as took or deſtroyed the ſame, to be diſtributed by them amongſt the captors; the ſeveral ſhares of which captors, if not legally demanded within three years after public notification, and alſo of ſuch as run from his Majeſty's ſervice, ſhall be applied to the uſe of *Greenwich-hoſpital*; and the bills to be made out for the bounty hereby granted to privateers, ſhall be made payable to perſons appointed by the owners, officers and ſeamen of ſuch privateer, or the major part of them, to be divided in ſuch proportion as agreed by them.

CLXXXIV. *Sect.* 20. If any ſhip taken as prize, or any goods therein be proved in the court of admiralty to have belonged to any of his Majeſty's ſubjects of *Great Britain* or *Ireland*, or any of the dominions under his Majeſty's protection and obedience, which were before taken by the enemy, and afterwards retaken by any of his Majeſty's ſhips, or any private man of war, or other ſhip under his Majeſty's protection and obedience, then ſuch ſhips and goods formerly belonging to ſuch his Majeſty's ſubjects, ſhall be by decree of the ſaid court of admiralty reſtored to ſuch former owners, they paying for ſalvage, if retaken by one of his Majeſty's ſhips an 8th part of the value; which ſalvage ſhall be paid to the captains, officers, and ſeamen in the ſaid man of war, to be divided in ſuch manner as herein is directed concerning prizes; and if taken by a privateer or other ſhip, before it has been in the poſſeſſion of the enemy 24 hours, an 8th part of the value; and if it has been in the poſſeſſion of the enemy above 24, and under 48 hours, a 5th part thereof; and if above 48 and under 96 hours, a 3d part; and if above 96 hours, a moiety; all which payments ſhall be without any deductions; and if ſuch ſhip ſo retaken appear to have been ſet forth by the enemy as a man of war, the former owners ſhall pay for ſalvage the moiety of the value.

CLXXXV. *Sect.* 21. In caſe any ſhip or goods be taken by any privateer clandeſtinely or by colluſion, ſuch ſhip and goods, and alſo the ſhip's furniture and ammunition of ſuch privateer, ſhall upon proof in the court of exchequer or in the court of admiralty be declared prize to his Majeſty; and one moiety ſhall be to the uſe of his Majeſty, and the other moiety to the uſe of ſuch perſon who ſhall diſcover and ſue for the ſame; and the bond given by the captain of ſuch privateer ſhall be forfeited to his Majeſty;

Majeſty: and in caſe any ſuch ſhip or goods be taken by any man of war clandeſtinely or by colluſion, the captain ſhall forfeit 1000 *l.* one moiety to the uſe of his Majeſty, and the other moiety to the uſe of ſuch perſon who ſhall diſcover and ſue for the ſame; to be recovered by action of debt, *&c.* in any court of record, wherein no eſſoin, *&c.* ſhall be allowed; and ſuch captain or officer ſhall forfeit his command and be incapable of any office under his Majeſty for ſeven years, and the ſaid goods and ſhip, ſo taken by colluſion, ſhall be adjudged good prize to his Majeſty.

CLXXXVI. *Sect.* 22. And whereas laws have been made in ſeveral of the plantations in *America*, for preventing the carrying off any ſervant or ſlave without the conſent of the owner, or the carrying off any other perſon, until ſuch perſon have taken out his ticket from the ſecretary's office; be it enacted, that all commanders of private ſhips of war, or merchant ſhips having letters of marque, ſhall upon their going into any of thoſe ports be ſubject to the ſeveral directions and penalties in ſuch laws.

CLXXXVII. *Sect.* 23. All proceedings in any court of admiralty concerning prizes taken from the *Spaniards*, ſhall be according to the method preſcribed by this act.

CLXXXVIII. *Sect.* 24. Nothing in this act ſhall reſtrain his Majeſty from giving further directions to his courts of admiralty, for the adjudication and condemnation of prizes.

CLXXXIX. *Sect.* 25. All offences committed by any officer or ſeaman, on board any privateer, or merchant ſhip taking letter of marque, during the war with *Spain* or *France*, ſhall be puniſhed as the like offences on board his Majeſty's ſhips of war.

CXC. *Sect.* 26. All offenders accuſed of ſuch crimes as are cognizable only by a court-martial, ſhall be confined on board ſuch privateer or merchant ſhip carrying letter of marque, on which ſuch offence is committed, until they arrive in ſome port in *Great Britain* or *Ireland*, or can meet with a ſufficient number of his Majeſty's ſhips abroad to make a court-martial; and upon application by the commander of ſuch privateer, or merchant ſhip carrying letter of marque, to the commiſſioners of the admiralty, or the commander in chief of his Majeſty's ſhips abroad, the ſaid commiſſioners of the admiralty, or three of them, or ſuch commander in chief abroad, ſhall call a court martial, for trying and puniſhing the ſaid offences. *An act was made to the like effect at the beginning of the* Spaniſh *war*, 13 Geo. 2. cap. 4. Qu. *How much of either remains in force ſince the end of the war.* See ſect. 16.

CXCI. **Stat.** 17 *Geo.* 2. *cap.* 36. *ſect.* 4. It ſhall be lawful for any perſons to import the goods mentioned in the proviſo 12 *Car.* 2. *cap.* 18. *ſect.* 14. Par. XXXIII. and in ſhips navigated as in the ſaid proviſo is expreſſed, although ſuch goods are the property of aliens.

CXCII. **Stat.** 18 *Geo.* 2. *cap.* 17. *ſect.* 1. If any ſhip belonging to any his Majeſty's ſubjects, find out and ſail through any paſſage by ſea between *Hudſon's Bay* and the weſtern and ſouthern ocean of *America*, the owners of ſuch ſhip ſo firſt finding out and ſailing through the ſaid paſſage, their executors, adminiſtrators, or aſſigns, ſhall receive a reward of 20,000 *l.*

CXCIII. *Sect.* 2. To aſcertain who are the firſt diſcoverers of the ſaid paſſage, the lord chancellor, the lord preſident of the privy council, the lord privy ſeal, the lord ſteward of the houſhold, the lord chamberlain of the houſhold, the lord treaſurer or firſt commiſſioner of the treaſury, the lord high admiral or firſt commiſſioner of the admiralty, the principal ſecretaries of ſtate, the ſpeaker of the houſe of commons, the chancellor and under treaſurer of the exchequer, the firſt commiſſioner for trade and plantations, the treaſurer of the navy, the admirals of the red, white, and blue ſquadrons, are hereby appointed commiſſioners for the ſaid diſcovery; and are impowered to examine upon oath any perſons produced by the claimants to ſuch reward; and the ſaid commiſſioners, or the major part of them, of which the lord high admiral, or firſt commiſſioner of the admiralty ſhall be one, being fully ſatisfied that ſuch paſſage by ſea is diſcovered and ſailed through, ſhall grant a certificate under their hands and ſeals to the perſons intitled to the ſame; which certificate ſhall be produced to the lord treaſurer, or three of the commiſſioners of the treaſury, and the ſaid 20,000 *l.* ſhall be paid to the perſons named in the ſaid certificate,

ficate, their executors, adminiſtrators, or aſſigns, out of any ſupplies granted in parliament after the ſaid diſcovery compleated and certificate produced.

CXCIV. *Sect.* 3. All ſubjects of his Majeſty, reſiding in any place where adventurers may come in proſecution of the ſaid diſcovery, ſhall give them all aſſiſtance requiſite; and ſhall no ways moleſt, or refuſe them reaſonable ſuccour, in any diſtreſs.

CXCV. *Sect.* 4. Nothing in this act ſhall prejudice the rights or privileges of the governor and company of adventurers of *England* trading into *Hudſon's Bay*.

CXCVI. **Stat.** 18 *Geo.* 2. *cap.* 31. *ſect.* 5. Every perſon who, ſince the commencement of the war againſt *Spain*, has been, or ſhall be appointed agent for any prizes taken by any ſhip belonging to his Majeſty, or for receiving the bounty granted by 17 *Geo.* 2. *cap.* 34. *ſect.* 18. Par. CLXXII. and which prizes have been or ſhall be condemned in the high court of admiralty of *England*, ſhall regiſter in the ſaid court of admiralty his letter of attorney appointing him agent; and if any agent neglect to regiſter in the ſaid court of admiralty his letter of attorney, for ſix kalendar months after ſentence of condemnation of any prize in the ſaid court of admiralty, for the care of which he is appointed agent, he ſhall forfeit 500 *l.* to him who will ſue for the ſame, by action of debt, *&c.* in any court of record in *Great Britain*, in which no eſſoin, *&c.* ſhall be allowed.

CXCVII. *Sect.* 6. Provided that if any agent be appointed, after the time any ſentence of condemnation in the ſaid court of admiralty is given, he ſhall, under the ſaid penalty, regiſter his letter of attorney, within ſix kalendar months after the date thereof.

CXCVIII. **Stat.** 19 *Geo.* 2. *cap.* 30. *ſect.* 1. No mariner or other perſon retained to ſerve on board any privateer, or trading veſſel, employed in any of the *Britiſh* ſugar colonies in *America*, nor any mariner or other perſon being on ſhore in the ſaid *Britiſh* ſugar colonies, ſhall be liable to be impreſſed by any officer of any of his Majeſty's ſhips of war or any other perſon, unleſs ſuch mariner have before deſerted from ſuch ſhip of war after the 24th of *June* 1746; upon pain that any officer ſo impreſſing contrary to this act ſhall forfeit to the maſter or owner of any ſuch veſſel, 50 *l.* for every man he ſo impreſſes; to be recovered with coſts in any court of record within his Majeſty's dominions.

CXCIX. *Sect.* 2. Every maſter of ſuch trading or privateer ſhip ſhall, before he receives in any of the parts aforeſaid any perſon to ſerve on board, endeavour to diſcover whether ſuch perſon hath deſerted from any of his Majeſty's ſhips, and in caſe any ſuch maſter receive any perſon on board, without ſuch endeavour, or which he knows or is informed hath deſerted from any of his Majeſty's ſhips, he ſhall forfeit to the King 50 *l.* for every man he ſo receives; to be recovered with coſts in any court of record within his Majeſty's dominions.

CC. *Sect.* 3. Every maſter of a merchant ſhip or privateer, ſhall before he ſails from any port of the *Britiſh* ſugar colonies deliver to the chief officer of the cuſtoms of the port, an exact liſt of his men, containing their names, ages, and deſcriptions; upon pain of forfeiting 10 *l.* to his Majeſty for every man he receives on board, whoſe name is not inſerted in ſuch liſt; to be recovered with coſts in any court of record within his Majeſty's dominions.

CCI. *Sect.* 4. Such officer of the cuſtoms ſhall return to ſuch maſter an atteſted copy of ſuch liſt; and upon the death or alteration of any ſeaman, the liſt ſhall be altered, and delivered to the naval officer, or chief officer of the cuſtoms, in any port where ſuch ſhip arrives; all which liſts ſhall be produced to any officer of any of his Majeſty's ſhips of war demanding the ſame; and if any man belonging to any of his Majeſty's ſhips of war be found on board any merchant ſhip or privateer, whoſe name is not contained in ſuch liſt; the maſter ſhall forfeit to his Majeſty 50 *l.* for every ſuch man.

CCII. *Sect.* 5. The maſter of every trading ſhip, and every packet boat, outward bound, and going for any of the parts aforeſaid in *America*, ſhall (at the deſire of any of his Majeſty's officers thereunto authorized, and at the charges of his Majeſty) receive

receive on board, and carry to the port whereto ſuch ſhip is bound, and there deliver to ſuch perſon to whom they be aſſigned, any number of mariners or other perſons in his Majeſty's ſea ſervice (over and above the complement of ſeamen which ſuch ſhip uſually carries, not exceeding a fifth part of the number of ſuch complement) upon pain of forfeiting 50*l.* for every ſuch ſeaman that he refuſes to carry, or willingly ſuffers to eſcape.

CCIII. *Sect.* 6. The maſter of every trading ſhip and every packet boat, ſhall ſign an acknowledgement of his having received ſuch mariners or other perſons on board, and deliver the ſame to ſuch of his Majeſty's officers who ſhips them, who is to lay the ſame before the commiſſioners of the navy; and ſuch maſter ſhall, within ſix months after his receiving ſuch mariners or other perſons on board, deliver to the commiſſioners of the navy a certificate under the hand of the commander in chief of his Majeſty's ſhips of war in the *Weſt Indies*, or of the commander of ſome of them, that ſuch commander or officer hath received the ſaid mariners or other perſons on board his Majeſty's ſhips, or ſuch of them as he receives; and upon delivering ſuch certificate the commiſſioners of the navy ſhall pay to the maſter of ſuch trading ſhip or packet, for the charges of carrying them, after the rate of 6*d. per diem* for each perſon whoſe name is contained in the certificate, from the time of their being firſt received on board to the time of their being delivered.

CCIV. *Sect.* 7. In caſe of any threatened or actual invaſion of any of the ſaid colonies, or in caſe of any unforeſeen neceſſity, it ſhall be lawful for the commanders of his Majeſty's ſhips of war ſtationed in any of the parts aforeſaid, with the conſent of the governor and commander in chief and of the council of the ſaid colonies, or any of them, to impreſs ſuch a number of ſeamen to ſerve on board his Majeſty's ſhips of war as are ſufficient to make up the uſual complement of ſeamen belonging to each of the ſaid ſhips, ſuch ſeamen being diſcharged if they require the ſame ſo ſoon as the ſervice for which they were ſo impreſſed is performed; which diſcharge each captain ſhall give; and in caſe of his refuſing the ſame, is hereby made liable to the penalty of 50*l.* to the party aggrieved; to be recovered, with coſts, in any court of record within his Majeſty's dominions.

CCV. **Stat.** 20 *Geo.* 2. *cap.* 24. *ſect.* 1. No perſon belonging to any of his Majeſty's ſhips of war, or to any merchant ſhip employed in his ſervice, who ſhall run away from the ſhip by which any prize is taken, or otherwiſe from his Majeſty's ſervice, before or after notification given by the agents of the day appointed for the payment of the ſhares to the captors of the ſaid prize, ſhall have any benefit of the ſhares of the prize, or the bounty-money granted by 13 *Geo.* 2. *cap.* 4. or 17 *Geo.* 2. *cap.* 34. Par. CLXXXII. but ſuch ſhares of ſuch prizes and bounty-money ſhall be paid to the uſe of *Greenwich-hoſpital.*

CCVI. *Sect.* 2. If any perſon run away from any ſuch ſhip after notification given as aforeſaid, he ſhall only forfeit ſuch part of his ſhare of the prize and bounty-money as remains in the agent's hands at the time of his running away.

CCVII. *Sect.* 4. All ſales, bills of ſale, contracts and aſſignments of any ſhare of any prize taken from the enemies, by any of his Majeſty's ſhips, or any merchant ſhip employed in his ſervice, or having letters of marque, or of any ſhare of any bounty-money where any ſhip of the enemies is taken, or deſtroyed, made after the firſt of *June* 1747, ſhall be void.

CCVIII. *Sect.* 5. The agents for prizes are to pay to all ſuch ſeamen, marines, and ſoldiers, as appear, or to their lawful attorneys impowered by them, as herein after directed, or to their executors or adminiſtrators, or their attorneys, the reſpective ſhares of prizes, and bounty-money, without regard to any bargain, ſale, or aſſignment.

CCIX. *Sect.* 6. No letter of attorney made by any ſeaman, marine, or ſoldier, in the ſervice of his Majeſty, or belonging to any privateer, or by his executors or adminiſtrators, to impower any perſon to receive any ſhare of any prize or bounty-money ſhall be valid, unleſs it be made revocable, and for the uſe of ſuch ſeaman, *&c.* and ſigned and executed before, and atteſted by the captain, and one other of the warrant or ſigning officers of the ſhip to which ſuch ſeaman, *&c.* belongs, or the clerk of the cheque

cheque of one of his Majeſty's dock-yards, or the mayor or chief magiſtrate of ſome corporation.

CCX. *Sect.* 7. All agents and others, who have ſold, or ſhall ſell any prize, ſhall, within three calendar months after the day appointed for the firſt payment to the captors in pur uance of public notification, tranſmit unto the treaſurer of the hoſpital at *Greenwich*, or ſuch perſon as he deputes, an account under their hands of the produce of all ſuch prizes and of the payments of the ſhares to the captors, then *bona fide* paid; and all perſons appointed to receive bills for the ſaid bounty-money ſhall, within three calendar months after the day appointed for the firſt payment of ſuch bills, tranſmit to the treaſurer of the ſaid hoſpital or his deputy, an account under their hands of the payment of ſuch bills; and all agents, and others, that have ſold, or ſhall ſell any prize, or receive or diſpoſe of any bills for bounty, ſhall, within three calendar months after the expiration of the three years limited by the ſaid acts, make out an account of the produce of ſuch prizes and bills for bounty, and of the payments of the ſhares to the captors, with an account upon oath (to be taken before the treaſurer of the ſaid hoſpital, or any perſon by him deputed) of all money then remaining in ſuch agent's cuſtody; and ſhall deliver to the treaſurer of the ſaid hoſpital or his deputy, the ſaid accounts with all money then remaining in their hands, taking from the ſaid treaſurer or his deputy their acquittances.

CCXI. *Sect.* 8. All the perſons hereby directed to tranſmit the accounts before-mentioned, who neglect to tranſmit ſuch accounts to the treaſurer of the ſaid hoſpital or his deputy, within the times before limited, or neglect to pay over all money remaining in their hands, after the three years, ſhall, for every ſuch offence, forfeit 100 *l.* over and above the money then in ſuch agents hands; one third to his Majeſty, and two thirds to the ſaid hoſpital; to be recovered with coſts by action of debt, *&c.* in any court of record; in which no eſſoin, *&c.* ſhall be allowed.

CCXII. *Sect.* 9. If any fraud be willingly made in ſuch accounts, every perſon thereof convicted, and his aiders and abettors, ſhall forfeit for every ſuch offence, over and above the penalties inflicted by this or any former law, 100 *l.* one third to the uſe of his Majeſty, one third to the uſe of the ſaid hoſpital, and the other third to the informer who ſhall ſue for the ſame; to be recovered with coſts by action of debt, *&c.* in any court of record; in which no eſſoin ſhall be allowed.

CCXIII. *Sect.* 10. Where the oath and certificate relating to the bounty-money, appointed by 13 *Geo.* 2. *cap.* 4. & 17 *Geo.* 2. *cap.* 34. *ſect.* 18. Par. CLXXXII. cannot be adminiſtered and granted at the firſt port, ſuch oath ſhall be taken before the mayor or other chief magiſtrate of any port within any of his Majeſty's dominions, or before the *Britiſh* conſul, or vice conſul, reſiding at any neutral port, whereunto any prize, or officers or men of any enemy's ſhip deſtroyed, are brought (proof being firſt made by affidavit of the inability of making ſuch oath and obtaining ſuch certificate at the firſt port) and the mayor, or other chief magiſtrate, conſul, or vice conſul, ſhall thereupon grant ſuch certificate as by the ſaid acts are directed.

CCXIV. *Sect.* 11. All perſons appointed agents for any prize or bounty-money, which prize ſhall be condemned in the high court of admiralty in *Great Britain*, or in any of the courts of admiralty in *America*, or in any other of his Majeſty's dominions, or elſewhere, ſhall exhibit, and cauſe to be regiſtered in the reſpective court of admiralty where the ſaid prize is condemned, their letters of attorney; and if any agent neglect to exhibit and cauſe to be regiſtered his letter of attorney, for ſix calendar months after ſentence of condemnation of any prize for which he is appointed agent, he ſhall forfeit 500 *l.* to be recovered by him who will ſue for the ſame, by action of debt, *&c.* in any court of record in *Great Britain*, *America*, or elſewhere, in which no eſſoin, *&c.* ſhall be allowed.

CCXV. *Sect.* 12. Provided that if any agent be appointed after the ſentence of condemnation in any court of admiralty, he ſhall under the aforeſaid penalty regiſter in manner aforeſaid his letter of attorney within ſix calendar months, after the date thereof.

CCXVI. *Sect.* 13. The regiſter of every court of admiralty ſhall yearly upon the 23d of *October*, or within three calendar months after, make out copies of all letters of attorney ſo regiſtered, to which the judge of the ſaid court ſhall affix his ſeal of office;

office; and then the regiſter ſhall tranſmit the ſame to the treaſurer of the hoſpital at *Greenwich*, to be there regiſtered, and to be inſpected by any perſon *gratis*; the charges of which ſhall be paid by the ſaid agent at the time of making ſuch regiſtry; and in caſe ſuch regiſter neglect to tranſmit ſuch copies of the ſaid letters of attorney (any ſhip in that time ſailing from ſuch port, to *Great Britain*) he ſhall forfeit 500 *l.* to be recovered by him who will ſue for the ſame, by action of debt, *&c.* in any court of record in *Great Britain* or *America*, or elſewhere; in which no eſſoin, *&c.* ſhall be allowed.

CCXVII. *Sect.* 14. True copies of ſuch letters of attorney, and of tranſcripts, under ſeal, tranſmitted by the regiſters of the courts of admiralty, and regiſtered by the treaſurer of *Greenwich-hoſpital*, ſhall be ſufficient evidence of the agency of the perſon to whom ſuch letter of attorney is made, and ſhall be admitted to be legal evidence in all courts of law or equity.

CCXVIII. *Sect.* 15. No agent ſhall be liable to be ſued or arreſted by any perſons made *run*, in the liſts tranſmitted of the perſons intitled to ſhares of prizes, till the end of three months after the expiration of three years limited by the ſaid acts; unleſs the perſon ſo made *run*, obtain a certificate, before an action brought, from the commiſſioners of the navy who ſubſcribed and tranſmitted the ſaid liſts, the ſaid agents, or ſome of them or their proper officer, that the *R's* are taken off, and the forfeitures of ſuch ſhares diſcharged, and the ſaid agent on the producing ſuch certificate refuſe to pay the ſame being due within two months after demand made on ſuch certificate.

CCXIX. *Sect.* 16. If any pawnbroker or other perſon take to pawn, buy, exchange, or receive, any clothes, linen, or other goods or ſtores belonging to his Majeſty, or to the governor and directors of *Greenwich-hoſpital*, appropriated to the wear of the penſioners or nurſes, or belonging thereto, or cauſe the colour of ſuch clothes, linen, or goods to be changed, or the marks thereon to be defaced, the perſon ſo offending ſhall forfeit for every ſuch offence 5 *l.* upon conviction by the oath of one witneſs before any juſtice of peace of the county wherein the ſaid offence is committed; which penalty ſhall be levied by warrant of the ſaid juſtice by diſtreſs and ſale of the goods of the offender, one moiety to be paid to the informer, and the other moiety to the uſe of the ſaid hoſpital; and in caſe ſuch offender have not ſufficient goods whereon diſtreſs may be made, or pay not ſuch penalty within four days after conviction, then ſuch juſtice may by warrant either commit ſuch offender to the common gaol of the county where ſuch offence is committed, for three months, or cauſe him to be publicly whipt; and if any penſioner or nurſe of the ſaid hoſpital run away from the ſame, and carry away any clothes, linen, ſtores, or goods of the ſaid hoſpital, being convicted by the oath of one witneſs, they ſhall be committed to the common gaol, or houſe of correction, where apprehended, for ſix months.

CCXX. *Sect.* 17. If any perſon be ſued for any thing done in the execution of this act, or if the governor, maſter, or any officer of the ſaid hoſpital at *Greenwich*, called the officers of the houſe, or any ſteward or ſervant employed by them in collecting or receiving the revenues of the ſaid houſe, or in any other matter relating to the ſaid houſe, be ſued for any thing done in the execution of this act or relating to the ſaid hoſpital, they may plead the general iſſue; and if the plaintiff be nonſuit, *&c.* the defendant ſhall recover treble coſts, and may levy the ſame by execution awarded out of the court where ſuch action is brought.

Qu. *If this act be in force ſince the end of the war with* Spain *and* France.

CCXXI. **Stat.** 20 *Geo.* 2. *cap.* 45. *ſect.* 9. All prize ſhips legally condemned, ſhall be conſidered as *Britiſh* built ſhips, and ſhall be intitled to the ſame privileges, and ſubject to the ſame regulations as *Britiſh* built ſhips.

CCXXII. **Stat** 22 *Geo.* 2. *cap.* 3. *ſect.* 1. Whereas his Majeſty, in order to bring appeals from ſentences in cauſes of prizes, pronounced in the courts of admiralty in his dominions at home and abroad to a ſpeedy determination, did by his commiſſion under the great ſeal, dated the 11th of *July* in the 22d year of his reign, appoint all his privy counſellors then and for the time being, as alſo the chief baron of the *exchequer*, the juſtices of the *king's bench* and *common pleas*, and the barons of the *exchequer* then

then and for the time being, to be commiſſioners for hearing ſuch appeals during his Majeſty's pleaſure; and whereas ſome objections have been raiſed againſt the ſaid commiſſion, on account of the lord chief baron of the *exchequer*, the juſtices of the *king's bench* and *common pleas*, and the barons of the *exchequer*, who were not of the privy council, being joined therein; be it enacted, that the ſaid commiſſion ſhall be good in law; and that the ſaid commiſſioners, as well the lord chief baron of the *exchequer*, and the juſtices of the *king's bench* and *common pleas*, and the barons of the *exchequer* although they, or any of them, be not of the privy council, as other his Majeſty's ſaid commiſſioners, may during his Majeſty's pleaſure exerciſe full power to hear all ſuch appeals, and all other powers, according to the meaning of his Majeſty's ſaid commiſſion.

CCXXIII. *Sect.* 2. No judgement or ſentence upon the hearing of any ſuch appeal ſhall be valid, unleſs the major part of the commiſſioners preſent be of the privy council.

CCXXIV. **Stat.** 22 *Geo.* 2. *cap.* 33. *ſect.* 1. The 13 *Car.* 2. *ſt.* 1. *cap.* 9. 2 *W.* & *M. ſt.* 2. *cap.* 2. *ſect.* 4. which directs the form of an oath to be taken by officers preſent at trials by courts martial held by commiſſion from the commiſſioners of the admiralty, 6 *Geo.* 1. *cap.* 19. *ſect.* 4. relating to trials of offenders againſt 13 *Car.* 2. *ſt.* 1. *cap.* 9. ſo much of 8 *Geo.* 1. *cap.* 24. *ſect.* 8. as directs the puniſhment to be inflicted by a court martial upon any officer of his Majeſty's ſhips of war, who permits to be received on board any goods in order to trade, 18 *Geo.* 2. *cap.* 35. & 21 *Geo.* 2. *cap.* 11. are hereby repealed.

CCXXV. *Sect.* 2. The articles and orders following ſhall be duly obſerved.

1. *All commanders and officers of his Majeſty's ſhips of war, ſhall cauſe the public worſhip of Almighty God according to the liturgy of the church of* England *to be reverently performed in their ſhips; and ſhall take care that prayers and preaching by the chaplains of the ſhips be performed diligently; and that the Lord's day be obſerved according to law.*

2. *All flag officers, and all perſons in his Majeſty's ſhips of war, being guilty of profane oaths, curſings, execrations, drunkenneſs, uncleanneſs, or other ſcandalous actions, in derogation of God's honour, and corruption of good manners, ſhall incur ſuch puniſhment as a court martial ſhall impoſe, and as the nature and degree of their offence deſerve.*

3. *If any officer, mariner, ſoldier, or other perſon of the fleet, give or entertain intelligence to or with any enemy or rebel, without leave from the King or the lord high admiral, or the commiſſioners of the admiralty, commander in chief, or his commanding officer, ſuch perſon being convicted by a court martial ſhall be puniſhed with death.*

4. *If any letter or meſſage from any enemy or rebel be conveyed to any officer, mariner, ſoldier or other in the fleet, and the ſaid officer,* &c. *ſhall not within 12 hours, having opportunity ſo to do, acquaint his ſuperior officer, or the officer commanding in chief, with it; or if any ſuperior officer being acquainted therewith, ſhall not in convenient time reveal the ſame to the commander in chief of the ſquadron, every ſuch perſon being convicted by the court martial, ſhall be puniſhed with death, or ſuch other puniſhment as the court martial ſhall impoſe.*

5. *All ſpies, and all perſons who come or are found in the nature of ſpies to bring or deliver any ſeducing letters or meſſages from any enemy or rebel, or endeavour to corrupt any officer or other in the fleet to betray his truſt, being convicted by the court martial, ſhall be puniſhed with death, or ſuch other puniſhment as the court martial ſhall impoſe.*

6. *No perſon in the fleet ſhall relieve an enemy or rebel with money, victuals, powder, ſhot, arms, ammunition, or other ſupplies, upon pain of death, or ſuch other puniſhment as the court martial think fit.*

7. *All the papers, charter parties, bills of lading, paſſports, and other writings taken aboard any ſhip taken as prize, ſhall be preſerved, and the very originals ſhall by the commanding officer of the ſhip which takes ſuch prize, be ſent intirely to the court of admiralty, or ſuch other court or commiſſioners as be authorized to determine whether ſuch prize be lawful capture, to be proceeded upon according to law; upon pain that every perſon offending herein loſe his ſhare of the capture, and ſuffer ſuch further puniſhment as the court martial impoſe.*

8. *No perſon in the fleet ſhall take out of any prize, any money, plate, or goods, unleſs it be neceſſary for the better ſecuring thereof, or for the neceſſary uſe of any of his Majeſty's ſhips, before the ſame be adjudged lawful prize in ſome admiralty court; but the account of the whole without imbezzlement ſhall be brought in, and judgement paſſed intirely upon the whole; upon pain that every perſon offending herein forfeit his ſhare of the capture, and ſuffer ſuch further puniſhment as impoſed by a court martial, or ſuch court of admiralty.*

9. *If any ſhip be taken as prize, none of the officers, mariners, or other perſons on board her, ſhall be ſtripped of their cloaths, or in any ſort pillaged, beaten, or evil-intreated; upon pain that the perſon ſo offending be liable to ſuch puniſhment as a court martial think fit.*

10. *Every flag officer, captain, and commander in the fleet, who, upon ſignal or order of fight, or ſight of any ſhip which it may be his duty to engage, or upon likelihood of engagement, ſhall not make preparations for fight, and ſhall not in perſon, and according to his place, encourage the inferior officers and men to fight courageouſly, ſhall ſuffer death, or ſuch other puniſhment, as a court martial deem him to deſerve; and if any perſon in the fleet treacherouſly or cowardly yield or cry for quarter, being convicted by a court martial he ſhall ſuffer death.*

11. *Every perſon in the fleet, who ſhall not duly obſerve the orders of the admiral, flag officer, commander of any ſquadron or diviſion, or other his ſuperior officer, for aſſailing, joining battle with, or making defence againſt any fleet, ſquadron, or ſhip, or ſhall not obey the orders of his ſuperior officer in time of action, to the beſt of his power, or ſhall not uſe all poſſible endeavours to put the ſame effectually in execution, being convicted by the court martial ſhall ſuffer death, or ſuch other puniſhment as a court martial deem him to deſerve.*

12. *Every perſon in the fleet, who through cowardice, negligence, or diſaffection, ſhall in time of action withdraw or keep back, or not come into the engagement, or not do his utmoſt to take or deſtroy every ſhip which it is his duty to engage, and to aſſiſt all his Majeſty's ſhips, or thoſe of his allies, which it is his duty to aſſiſt, being convicted by a court martial ſhall ſuffer death.*

13. *Every perſon in the fleet, who through cowardice, negligence, or diſaffection, ſhall forbear to purſue the chace of any enemy, pirate, or rebel, beaten or flying; or ſhall not aſſiſt a known friend in view to the utmoſt of his power; being convicted by a court martial ſhall ſuffer death.*

14. *If when action, or any ſervice is commanded, any perſon in the fleet preſume to delay or diſcourage the ſame upon pretence of arrears of wages, or upon any pretence whatſoever, being convicted by the court martial he ſhall ſuffer death, or ſuch other puniſhment as a court martial deem him to deſerve.*

15. *Every perſon in the fleet, who ſhall deſert to the enemy, pirate, or rebel, or run away with any of his Majeſty's ſhips, or any ordnance, ammunition, ſtores, or proviſion belonging thereto, to the weakening of the ſervice, or yield up the ſame cowardly or treacherouſly, being convicted by the court martial ſhall ſuffer death.*

16. *Every perſon in the fleet, who ſhall deſert or intice others ſo to do, ſhall ſuffer death, or ſuch other puniſhment as a court martial judge fit: and if any commanding officer of any of his Majeſty's ſhips of war receive a deſerter from any other of his Majeſty's ſhips after diſcovering him to be ſuch, and ſhall not with all convenient ſpeed give notice to the captain of the ſhip to which ſuch deſerter belongs; or if the ſaid ſhips are at a diſtance from each other, to the ſecretary of the admiralty, or to the commander in chief; being convicted by the court-martial ſhall be caſhiered.*

17. *The officers and ſeamen of all ſhips appointed for convoy of merchant ſhips, or of any other, ſhall diligently attend upon that charge, without delay, according to their inſtructions; and whoſoever ſhall be faulty therein, and not perform their duty, and defend the ſhips and goods in their convoy, without either diverting to other parts or occaſions, or neglecting to fight in their defence, if they be aſſailed, or running away cowardly, and ſubmitting the convoy to hazard; or demand any money or reward from any merchant or maſter for convoying of any ſhips intruſted to their care, or miſuſe the maſters or mariners thereof, ſhall be condemned to make reparation of the damage as the court of admiralty adjudge, and alſo be puniſhed according to the quality of their offences, by death or other puniſhment adjudged fit by the court martial.*

18. *If any captain, or other officer of any of his Majeſty's ſhips receive, or permit to be received on board, any goods other than for the uſe of the ſhip, except gold, ſilver, or jewels, and except the goods belonging to any merchant, or other ſhip ſhipwrecked, or in imminent danger either on the high ſeas, or in any port or creek, in order to the preſerving them*

them for their proper owners, and except such goods as he is ordered to take on board by order of the admiralty; every person so offending being convicted by the court martial shall be cashiered, and be for ever incapable to serve in any office in the naval service.

19. If any person in the fleet endeavour to make any mutinous assembly, being convicted by the court martial he shall suffer death: and if any person in the fleet utter any words of sedition or mutiny, he shall suffer death, or such other punishment as a court martial deem him to deserve: and if any officer, mariner, or soldier in the fleet behave himself with contempt to his superior officer in the execution of his office, he shall be punished by the judgement of a court martial.

20. If any person in the fleet conceal any traiterous or mutinous practice or design, being convicted by a court martial he shall suffer death, or such other punishment as a court martial think fit; and if any person in the fleet conceal any traiterous or mutinous words spoken by any to the prejudice of his Majesty or government, or any words, practice, or design, tending to the hindrance of the service, and shall not forthwith reveal the same to the commanding officer, or being present at any mutiny or sedition not use his utmost endeavours to suppress the same, he shall be punished as a court martial think he deserves.

21. If any person in the fleet find cause of complaint of the unwholesomess of the victual, or upon other just ground, he shall quietly make the same known to his superior, or captain, or commander in chief; and the said superior, captain, or commander in chief, shall, as far as he is able, cause the same to be presently remedied; and no person in the fleet, upon any pretence, shall attempt to stir up any disturbance; upon pain of such punishment as a court martial think fit.

22. If any officer, mariner, soldier, or other person in the fleet, strike any of his superior officers, or draw, or offer to draw, or lift up any weapon against him, being in the execution of his office, being convicted by a court martial he shall suffer death; and if any officer, mariner, soldier, or other person in the fleet, quarrel with any of his superior officers in the execution of his office, or disobey any lawful command of any of his superior officers, being convicted by a court martial he shall suffer death, or such other punishment as inflicted by a court martial.

23. If any person in the fleet quarrel or fight with any other person in the fleet, or use reproachful or provoking speeches or gestures, tending to make any quarrel or disturbance, he shall being convicted suffer such punishment as a court martial impose.

24. There shall be no wasteful expence of powder, shot, ammunition, or other stores in the fleet, nor any embezzlement thereof, but the stores and provisions shall be carefully preserved; upon pain of such punishment upon the offenders, abetters, buyers, and receivers (being persons subject to naval discipline) as shall be by a court martial found just.

25. Every person in the fleet, who shall unlawfully burn or set fire to any magazine or store of powder, or ship, boat, or vessel, or tackle or furniture thereunto belonging, not then appertaining to an enemy, pirate, or rebel, being convicted by a court martial shall suffer death.

26. Care shall be taken in the conducting and steering of his Majesty's ships, that through wilfulness, negligence, or other defaults, no ship be stranded or hazarded; upon pain that such as be found guilty therein, be punished by death, or such other punishment as the offence by a court martial is judged to deserve.

27. No person in the fleet shall sleep upon his watch, or negligently perform the duty imposed on him, or forsake his station; upon pain of death, or such other punishment as a court martial think fit.

28. All murders committed by any person in the fleet, shall be punished with death by a court martial.

29. If any person in the fleet commit buggery with man or beast, he shall be punished with death by a court martial.

30. All robbery committed by any person in the fleet, shall be punished with death, or otherwise, as a court martial find meet.

31. Every officer or other person in the fleet, who shall knowingly make or sign a false muster or muster-book, or command, counsel, or procure the making or signing thereof, or aid any other person in the making or signing thereof, shall upon proof before a court martial be cashiered, and rendered incapable of further employment in his Majesty's naval service.

32. No provest-martial belonging to the fleet shall refuse to apprehend any criminal, whom he is authorized by legal warrant to apprehend, or to receive or keep any prisoner committed

to his charge, or wilfully ſuffer him to eſcape, or diſmiſs him without lawful order; upon pain of ſuch puniſhment as a court martial deem him to deſerve; and all captains, officers, and others in the fleet, ſhall do their endeavour to detect, apprehend, and bring to puniſhment all offenders, and aſſiſt the officers appointed for that purpoſe, upon pain of being puniſhed by a court martial.

33. *If any flag officer, captain, or commander, or lieutenant belonging to the fleet, be convicted before a court martial of behaving in a ſcandalous, infamous, cruel, oppreſſive, or fraudulent manner, unbecoming an officer, he ſhall be diſmiſſed from his Majeſty's ſervice.*

34. *Every perſon in actual ſervice and full pay, and part of the crew belonging to any of his Majeſty's ſhips, who ſhall be guilty of mutiny, deſertion, or diſobedience to any lawful command in any part of his Majeſty's dominions on ſhore, when in actual ſervice relative to the fleet, ſhall be liable to be tried by a court martial, and ſuffer the like puniſhment for every ſuch offence, as if the ſame had been committed at ſea.*

35. *If any perſon in actual ſervice and full pay in his Majeſty's ſhips, commit upon the ſhore, in any place out of his Majeſty's dominions, any of the crimes puniſhable by theſe articles and orders, he ſhall be liable to be tried and puniſhed for the ſame, in like manner, as if the ſaid crimes had been committed at ſea.*

36. *All other crimes not capital committed by any perſon in the fleet, which are not mentioned in this act, or for which no puniſhment is hereby directed, ſhall be puniſhed according to the cuſtoms uſed at ſea.*

CCXXVI. *Sect.* 3. Provided no perſon convicted of any offence, by the ſentence of any court martial be impriſoned for a longer term than two years.

CCXXVII. *Sect.* 4. Nothing in this act ſhall impower any court martial to proceed to the puniſhment or trial of any of the offences ſpecified in the articles aforeſaid, or of any offence whatſoever (other than the offences ſpecified in the fifth, thirty fourth, and thirty fifth of the foregoing articles) not committed upon the main ſea, or in great rivers only, beneath the bridges of the ſaid rivers nigh to the ſea, or in any haven, river, or creek within the juriſdiction of the admiralty, and not committed by ſuch perſons as at the time of the offence be in actual ſervice and full pay in the fleet or ſhips of war of his Majeſty; ſuch perſons only excepted, and for ſuch offences only, as are deſcribed in the fifth of the foregoing articles.

CCXXVIII. *Sect.* 5. Nothing in this act ſhall impower any court martial conſtituted by this act, to proceed to the puniſhment or trial of any land officer or ſoldier on board any tranſport ſhip, for any of the offences ſpecified in the articles aforeſaid.

CCXXIX. *Sect.* 6. The lord high admiral of *Great Britain*, or the commiſſioners for executing that office, ſhall have power to grant commiſſions to any officer commanding in chief any fleet or ſquadron of ſhips of war, to aſſemble courts martial conſiſting of commanders and captains; and if ſuch commander in chief die, or be recalled, or removed from his command, then the officer upon whom the command of the ſaid fleet or ſquadron devolves ſhall have the ſame power to aſſemble courts martial as the firſt commander in chief was inveſted with.

CCXXX. *Sect.* 7. Provided no commander in chief of any fleet or ſquadron, or detachment thereof conſiſting of more than five ſhips, ſhall preſide at any court-martial in foreign parts, but the officer next in command to ſuch commander in chief, ſhall hold ſuch court-martial and preſide thereat.

CCXXXI. *Sect.* 8. If any commander in chief of any fleet or ſquadron in foreign parts detach any part of ſuch fleet, every commander in chief ſhall by writing under his hand, impower the chief commander of the detachment (and in caſe of his death or removal, the officer to whom the command of ſuch detachment belongs) to hold courts-martial, during the time of ſuch ſeparate ſervice, or until the commander of the ſaid detachment return to his commander in chief, or come under the command of any other his ſuperior officer, or return to *Great Britain* or *Ireland*.

CCXXXII. *Sect.* 9. If any five or more of his Majeſty's ſhips of war meet in foreign parts, it ſhall be lawful for the ſenior officer of the ſaid ſhips to hold courts martial, and preſide thereat, during ſo long time as the ſaid ſhips or any five of them continue together.

CCXXXIII. *Sect.* 10. Provided that where any material objection may render it improper for the perſon next in command to the ſenior officer or commander in chief in foreign parts to hold courts martial, or preſide thereat, it ſhall be lawful for the

lord high admiral, or commiſſioners of the admiralty, as alſo the commander in chief of any ſuch fleet or ſquadron in foreign parts, to appoint the third officer in command to preſide at, or hold ſuch court-martial.

CCXXXIV. *Sect.* 11. The lord high admiral of *Great Britain*, or the commiſſioners for executing that office may direct any flag officer, or captain in any port of *Great Britain* or *Ireland*, to hold courts-martial in ſuch port; provided ſuch flag officer or captain be the firſt, ſecond, or third in command in ſuch port, and ſuch flag officer or captain ſhall preſide at ſuch court martial.

CCXXXV. *Sect.* 12. No court-martial to be held by this act, ſhall conſiſt of more than 13 or of leſs than five perſons, to be compoſed of ſuch flag officers, captains, or commanders preſent, as are next in ſeniority to the officer who preſides.

CCXXXVI. *Sect.* 13. Nothing herein contained ſhall authorize the lord high admiral, or the commiſſioners of the admiralty, or any officer impowered to hold courts-martial, to direct the particular number of perſons of which any court-martial ſhall conſiſt.

CCXXXVII. *Sect.* 14. In caſe any court-martial be appointed to be held at any place where there are not leſs than three, nor yet ſo many as five officers of the degree of a poſt captain or of a ſuperior rank, it ſhall be lawful for the officer who is to preſide to call to his aſſiſtance as many of the commanders of his Majeſty's veſſels under the rank of a poſt captain, as together with the poſt captains will make up the number of five.

CCXXXVIII. *Sect.* 15. No member of any court-martial, after the trial is begun, ſhall go on ſhore till ſentence be given, but remain on board the ſhip in which the court firſt aſſembles, except in caſe of ſickneſs to be judged of by the court, upon pain of being caſhiered; nor ſhall the proceedings of the ſaid court be delayed by the abſence of any of its members, provided a ſufficient number remain to compoſe the court, which ſhall ſit from day to day (*Sunday* excepted) until ſentence be given.

CCXXXIX. *Sect.* 16. All the officers preſent who conſtitute the court-martial, ſhall before they proceed to trial take the oath after-mentioned before the court; which oath the judge advocate, or his deputy, or the perſon appointed to officiate as ſuch, is to adminiſter.

I A. B. *do ſwear, that I will duly adminiſter juſtice, according to the articles and orders eſtabliſhed by an act paſſed in the* 22d *year of the reign of his Majeſty King* George *the ſecond, for amending, explaining, and reducing into one act of parliament, the laws relating to the government of his Majeſty's ſhips, veſſels, and forces by ſea, without partiality, favour, or affection; and if any caſe ſhall ariſe, which is not particularly mentioned in the ſaid articles and orders, I will duly adminiſter juſtice according to my conſcience, the beſt of my underſtanding, and the cuſtom of the navy in the like caſes; and I do further ſwear, that I will not upon any account, at any time whatſoever, diſcloſe or diſcover the vote or opinion of any particular member of this court-martial, unleſs thereunto required by act of parliament.*

So help me God.

And ſo ſoon as the ſaid oath is adminiſtered to the members, the preſident of the court is to adminiſter to the judge advocate, or the perſon officiating as ſuch, the following oath,

I A. B. *do ſwear, that I will not upon any account at any time whatſoever, diſcloſe or diſcover the vote or opinion of any particular member of this court-martial, unleſs thereunto required by act of parliament.*

So help me God.

CCXL. *Sect.* 17. In caſe any perſon in the fleet, being called upon to give evidence at any court-martial, refuſe to give his evidence upon oath, or prevaricate, or behave with contempt to the court, it ſhall be lawful for ſuch court-martial to puniſh ſuch offender by impriſonment, at the diſcretion of the court, ſuch impriſonment

not to continue longer than three months, in caſe of ſuch refuſal or prevarication, nor longer than one month in the caſe of ſuch contempt: and every perſon who commits any wilful perjury, in any evidence upon oath at any ſuch court-martial, or who corruptly procures any perſon to commit ſuch wilful perjury, ſhall be proſecuted in the *King's Bench*, by indictment or information; and every iſſue joined in ſuch indictment or information ſhall be tried by a jury of *Middleſex*, or ſuch other county as the ſaid court direct; and every perſon convicted upon ſuch indictment or information ſhall be puniſhed with ſuch pains and penalties, as are inflicted for the like offences by 5 *Eliz. cap.* 9. and 2 *Geo.* 2. *cap.* 25.

CCXLI. *Sect.* 18. In ſuch information or indictment it ſhall be ſufficient to ſet forth the offence, without ſetting forth the commiſſion for holding the court-martial, or the particular matter to be tried before ſuch court.

CCXLII. *Sect.* 19. No ſentence of death given by any court-martial held within the narrow ſeas (except in caſes of mutiny) ſhall be put in execution till after the report of the proceedings of the court be made to the lord high admiral, or the commiſſioners of the admiralty, and their directions given therein; and if the court be held beyond the narrow ſeas, ſuch ſentence of death ſhall not be carried into execution but by order of the commander of the fleet or ſquadron wherein ſentence was paſſed; and where ſentence of death is paſſed in any ſquadron detached from any other fleet, ſuch ſentence (except in caſes of mutiny) ſhall not be put in execution, but by order of the commander of the fleet from which ſuch detachment is made, or of the lord high admiral or commiſſioners of the admiralty; and where ſentence of death is paſſed in any court-martial held by the ſenior officer of five or more of his Majeſty's ſhips meeting in foreign parts, ſuch ſentence of death (except in caſes of mutiny) ſhall not be carried into execution but by order of the lord high admiral, or commiſſioners of the admiralty.

CCXLIII. *Sect.* 20. The judge advocate of any fleet, or his deputy, ſhall have power to adminiſter an oath to any witneſs at any trial by court-martial: and in the abſence of the judge advocate and his deputy, the court-martial ſhall have power to appoint any perſon to execute the office of judge advocate.

CCXLIV. *Sect.* 21. All the powers given by the ſeveral articles and orders eſtabliſhed by this act, ſhall remain in force with reſpect to the crews of ſuch of his Majeſty's ſhips as be wrecked, or otherwiſe deſtroyed; and all the command and authority given to the officers ſhall remain until they be diſcharged from his Majeſty's ſervice, or removed into ſome other ſhip, or until a court-martial be held to enquire into the cauſes of the loſs of the ſaid ſhip: and if upon ſuch enquiry it appear by the ſentence of the court-martial that the officers or ſeamen of the ſaid ſhip did their utmoſt to preſerve the ſhip, and ſince the loſs thereof have behaved obediently to their ſuperior officers, then all the pay of ſuch officers and ſeamen as have done their duty, ſhall be paid to the time of their diſcharge or death; or if they be then alive to the time of the holding ſuch court-martial or removal into ſome other ſhip, and every ſuch officer and ſeaman, who after the wreck or loſs of his ſhip, ſhall act contrary to the diſcipline of the navy and the articles herein eſtabliſhed, ſhall be ſentenced by the ſaid court-martial, and puniſhed as if the ſhip to which he did belong was not ſo wrecked, or deſtroyed.

CCXLV. *Sect.* 22. All the pay of ſuch officers and ſeamen of any of his Majeſty's ſhips as are taken by the enemy, and upon enquiry at a court-martial appear by the ſentence of the ſaid court to have done their utmoſt to defend the ſhip and ſince the taking thereof to have behaved obediently to their ſuperior officers, ſhall continue and be paid, from the time of their being ſo taken to the time of the holding ſuch court-martial, or until they be diſcharged from his Majeſty's ſervice, or removed into ſome other ſhip of war, or (if they die in captivity, or not live to the time of the holding ſuch court-martial) to the time of their death, in ſuch manner as if the ſaid ſhip was not taken.

CCXLVI. *Sect.* 23. No perſon not flying from juſtice, ſhall be tried or puniſhed by any court-martial for any offence againſt this act, unleſs the complaint of ſuch offence be made in writing to the lord high admiral, or the commiſſioners of the admiralty, or any commander in chief of his Majeſty's ſquadrons or ſhips impowered

ered to hold courts-martial, or unleſs a court-martial to try ſuch offender be ordered either within three years after ſuch offence committed, or within one year after the return of the ſhip, or of the ſquadron, to which ſuch offender belongs, or of the offender into *Great Britain* or *Ireland*.

CCXLVII. *Sect.* 24. For making the 8 *Geo.* 1. *cap.* 24. *ſect.* 9. Par. C. more effectual, be it enacted, that if any captain or other officer of any of his Majeſty's ſhips receive on board, or ſuffer to be received on board ſuch ſhip, any goods contrary to the meaning of the 18th article before-mentioned, he ſhall for every ſuch offence, over and above any puniſhment inflicted by this act, forfeit the value of all ſuch goods, or the ſum of 500 *l.* at the election of the informer, or perſon ſuing; ſo that no more than one of theſe penalties be recovered by this and the ſaid act againſt the ſame perſon for the ſame offence; one moiety of which penalties ſhall be paid to the informer, and the other moiety to the uſe of *Greenwich-hoſpital*; which forfeiture ſhall be recovered by action of debt, *&c.* in any court of record at *Weſtminſter*, or in the high court of admiralty, at the election of the informer, and the court ſhall award coſts to the parties, and where judgement is given againſt any ſuch offender, the court ſhall with all convenient ſpeed certify the ſame to the lord high admiral or commiſſioners of the admiralty.

CCXLVIII. *Sect.* 25. Nothing in this act ſhall take away from the lord high admiral of *Great Britain*, or the commiſſioners of the admiralty, or any vice admiral, or any judge or judges of the admiralty, or their deputies, or any other officers of the admiralty, or any others having or claiming any admiral power or authority within the King's dominions, or from any perſon or court, any power, right, juriſdiction, pre-eminence, or authority, which they lawfully had before the making of this act, ſo as the ſame perſon be not puniſhed twice for the ſame offence.

CCXLIX. *Sect.* 26. Provided that the repeal of the ſaid ſtatutes or any thing herein contained, ſhall not prevent the trial of any offence committed on or before the 25th of *December* 1749.

CCL. **Stat.** 26 *Geo.* 2. *cap.* 25. *ſect.* 1. The commiſſioners conſtituted by 12 *Ann. ſt.* 2. *cap.* 15. Par. LXXIII. for the diſcovery of the longitude at ſea, or five of them, in caſe they be ſo far ſatisfied of the probability of any propoſal as to think it proper to make experiment thereof, ſhall certify the ſame under their hands and ſeals to the commiſſioners of the navy, with the names of the authors of ſuch propoſals; and upon producing ſuch certificate, the commiſſioners of the navy are to make out bills for any ſum not exceeding 2000 *l.* over and above the ſum of 250 *l.* (being the remainder not yet diſpoſed of, of the 2000 *l.* mentioned in the 12 *Ann. ſtat.* 2. *cap.* 15. § 1.) as the ſaid commiſſioners for the longitude think neceſſary for making experiments, payable by the treaſurer of the navy; which ſums he is to pay immediately to the perſons appointed by the commiſſioners for the longitude to make thoſe experiments, out of any money in his hands unapplied.

CCLI. *Sect.* 2. The governor of *Greenwich hoſpital*, the judge of the court of admiralty, the ſecretaries of the treaſury, the ſecretary of the admiralty, and the comptroller of the navy, ſhall be joined with ſuch of the commiſſioners appointed by the ſaid act for diſcovering the longitude as are ſurviving.

CCLII. **Stat.** 29 *Geo.* 2. *cap.* 27. The 22 *Geo.* 2. *cap.* 33. ſhall be in full force and be executed for the trial and puniſhment of all offences mentioned in the ſame act, committed by any officers, ſeamen, or others who ſerve on board any of his Majeſty's ſhips or veſſels employed in the lakes, great waters, or rivers, in *North America*, not within any county ſettled by the King's ſubjects, and under the regular government of his laws and courts, altho' within his dominions, as fully as if the ſame offences had been committed upon the main ſea, or in great rivers, beneath the firſt bridges nigh the ſea, or in any haven, river, or creek within the juriſdiction of the admiralty of *Great Britain*.

CCLIII. **Stat.** 32 *Geo.* 2. *cap.* 16. *ſect.* 1. The 6 *Geo.* 2. *cap.* 29. and all proviſions therein, other than ſuch as are herein after altered ſhall be continued until the 24th of *June* 1770, and to the end of the then next ſeſſion of parliament.

CCLIV. *Sect.*

CCLIV. *Sect.* 2. Any maſter or owners of any ſhip may ſhip and carry in his ſhip as ballaſt, from *London*, or any part of the *Thames*, any dung, compoſt, earth, or ſoil, or any chalk, rubbiſh, ſope aſhes, ſope waſte, flints, tobacco-pipe clay, or other clay, or any other goods claimed to be furniſhed as ballaſt by the corporation of *Trinity-houſe* (ſubject to the payment of the rates and under the reſtrictions after-mentioned) ſo that the whole quantity allowed to be ſhipped for ballaſt, doth not exceed in one year, to be computed from the firſt of *June* incluſive in every year, 3000 tons, beſides 2000 tons of dung, compoſt, earth, or ſoil, allowed to be ſhipped in any coaſting ſhips in the *Thames*, by the leſſees or occupiers of the layſtalls of the city of *London*; and ſo that the whole quantity of chalk and chalk rubbiſh ſhipped as ballaſt, for the uſe of coaſters and colliers in the *Thames*, doth not exceed 3000 tons in any one year, to be computed as aforeſaid; and ſo that the whole quantity of ſope aſhes, and all other commodities claimed to be furniſhed as ballaſt by the ſaid corporation, and licenſed by this act to be ſhipped as ballaſt for the uſe of coaſters and colliers in the ſaid river, doth not exceed 2000 tons in any one year, to be computed as aforeſaid.

CCLV. *Sect.* 3. Before the maſter or owners of any ſhip permit any of the ſaid commodities claimed to be furniſhed as ballaſt by the ſaid corporation, to be ſhipped, every ſuch maſter or owners ſhall make a due entry at the ballaſt office of the *Trinity-houſe* in *London*, or with the officer of the ſaid *Trinity-houſe* at *Graveſend* (unleſs any of the ſaid commodities be ſhipped in the laſt ſeven days of *May* in any year, and then every entry thereof ſhall be made at the office of the *Trinity-houſe* in *London*) of all commodities ſhipped as ballaſt, and of the name of the ſhip or veſſel, and of the maſter, and at the time of making ſuch entry, ſhall pay to the ſaid corporation for ſuch licence 1 *d.* for every ton ſo entered.

CCLVI. *Sect.* 4. If any maſter or owners or officer of any ſhip, ſuffer to be ſhipped any of the commodities before-mentioned, before ſuch entry and payment, or ſhip any greater quantity than ſo entered and paid for, every perſon ſo offending and convicted, ſhall forfeit 5 *l.*

CCLVII. *Sect.* 5. It ſhall be lawful for any maſter or owner of any ſhip, to ſhip and carry in any ſhip as ballaſt, from *London*, or any part of the *Thames*, any quantity of bricks, tyles, or lime, or any other merchandizeable commodities, except ſuch as are before enumerated, without paying any thing to the ſaid corporation for the ſame.

CCLVIII. *Sect.* 6. No lighter or veſſel ſhall be employed for carrying any dung, compoſt, earth, or ſoil, on board any ſhip in the *Thames*, for the uſe of coaſters or colliers there, until ſuch lighter, *&c.* be firſt weighed, marked, and numbered, by the corporation of the *Trinity-houſe*, and at their coſts, or by ſome agent appointed by them; and the ſaid corporation or their agent is in the day-time to weigh every ſuch lighter, *&c* employed in the *Thames* for the carrying any dung, *&c.* on board any coaſter or collier in the ſaid river; and to affix a gauge mark, in ſome conſpicuous place at the ſtem and ſtern of every ſuch lighter, *&c*, higher than the ſame ſinks into the water when loaded, denoting the tonage; and the number of every ſuch lighter, *&c.* in large white capital letters and figures: and if any one offend in the premiſſes, or remove, alter, deface, or counterfeit, any gauge mark or number affixed by the ſaid corporation, he ſhall forfeit 5 *l.*

CCLIX. *Sect.* 7. In caſe the ſaid corporation ſuſpect that the gauge mark of any lighter, *&c.* hath been removed or altered, it ſhall be lawful for the ſaid corporation or their agent in the day-time, and at the coſts of the ſaid corporation, to reweigh any ſuch lighter, *&c.* (ſo as no more than one lighter, *&c.* be reweighed in any week) and in caſe upon reweighing the ſame be found of greater tonage than by the mark, the perſon to whom it belongs, ſhall, on being convicted forfeit 5 *l.*

CCLX. *Sect.* 8. If any ſhip or veſſel come into the *Thames* with any ballaſt, no part of ſuch ballaſt ſhall be unloaded into the ſaid river, but all ſuch ballaſt ſhall be laid at the expence of the owners or maſter of ſuch ſhip, on ſome common wharf near the river, or on ſome ground above high-water mark; or otherwiſe, ſhall be unloaded at the coſts of the owners or maſter of ſuch ſhip, *&c.* into lighters belonging to the ſaid corporation, which the ſaid corporation are required to furniſh and ſend, on demand made

made or left in writing at the ſaid ballaſt-office; and in caſe the ſaid corporation neglect to ſend ſufficient lighters within three days after ſuch application they ſhall forfeit 50 *l.* unleſs ſuch neglect be occaſioned by froſty or tempeſtuous weather, preventing ſuch lighters from being navigated; to be recovered by action of debt, *&c.* in any court of record at *Weſtminſter*; one moiety to the uſe of the poor of the pariſh where the offence is committed, and the other moiety to the perſon who ſhall ſue.

CCLXI. *Sect.* 9. The owners or maſter of every ſhip out of which any ballaſt is taken by any lighter belonging to the ſaid corporation, ſhall pay to the ſaid corporation 6*d. per* ton, for every ton of ballaſt received by the ſaid corporation out of ſuch ſhip, within 24 hours after ſuch ballaſt is carried away; which money ſhall be for the uſe of the poor of the ſaid corporation; and in caſe of nonpayment the ſame may be recovered by action of debt in any court of record at *Weſtminſter*, in the name of the ſaid corporation, againſt any ſuch owners or maſter.

CCLXII. *Sect.* 10. If any ballaſt be unloaded into the *Thames*, or laid on any place below the high water mark, the maſter of ſuch ſhip being convicted ſhall forfeit 5 *l.*

CCLXIII. *Sect.* 11. If any perſon unload or throw into the *Thames*, any rubbiſh, earth, aſhes, dirt, or ſoil, from any wharf, or bank, adjoining to the *Thames*, or out of any barge or lighter; being convicted he ſhall forfeit 40 *s.*

CCLXIV. *Sect.* 12. No dung, compoſt, earth, or ſoil, ſhall be put on board any coaſter or collier immediately from any place on ſhore, adjoining to the *Thames*; and all dung, *&c.* put on board any coaſter or collier for ballaſt, ſhall be taken from the layſtall or place on ſhore, whereon the ſame lies, and therefrom be carried to ſuch coaſter or collier, in ſome lighter or veſſel marked as by this act is directed, and ſhall be put on board ſuch coaſter or collier from ſuch marked lighter or veſſel only: and if any perſon offend in the premiſſes, being convicted, he ſhall forfeit 5 *l.* one moiety to the informer, and the other moiety to the treaſurer of the corporation of the *Trinity-houſe*, for the uſe of the poor of the ſaid corporation.

CCLXV. *Sect.* 13. No perſon ſhall put any rubbiſh, earth, ſand, aſhes, dirt, filth, or ſoil, in any ſtreet or paſſage within the city of *London*, or the liberties thereof, or in the ſuburbs thereof in the county of *Middleſex*; or in any ſtreet or paſſage in the city of *Weſtminſter*, or the liberties thereof, or in ſuch part of the dutchy of *Lancaſter*, as lies in *Middleſex*; other than ſuch as are allowed by law to be laid to drain, ready for the ſcavengers to carry away; or ſweep or put any rubbiſh, *&c.* into any kennel in *London* or *Weſtminſter*, or ſuch part of the dutchy of *Lancaſter*, other than ſuch as is ſwept away by the inhabitants before their reſpective habitations: and if any one offend in the premiſſes, and be convicted, he ſhall forfeit 10 *s.*

CCLXVI. *Sect.* 14. Nothing in this act ſhall prevent any inhabitant within the limits before-mentioned from ſweeping immediately after ſnow, thaw, or rain, into any kennel, any ice, ſnow, dirt, or ſoil, which by means of ſuch ſnow, thaw, or rain, is before his houſe (except rubbiſh caſt out, in any ſtreet or paſſage, within the limits aforeſaid, from repaired or decayed buildings, or otherwiſe) or inflict any penalty on ſuch inhabitant, or his ſervant, in reſpect of ſo doing.

CCLXVII. *Sect.* 15. The leſſees or occupiers of the layſtalls of the city of *London*, ſhall either in perſon, or by ſome ſervant at their charges, inſpect the ſtreets and common paſſages, in the city of *London*, and the liberties thereof, every day (*Sundays* excepted) and give information to the mayor, or ſome alderman, of every perſon offending in the premiſſes.

CCLXVIII. *Sect.* 16. And in caſe ſuch leſſees or occupiers or their ſervant duly make the inſpection hereby directed, and give information againſt the perſons offending, ſuch leſſees or occupiers may between the firſt of *June* 1759, and the firſt of *June* 1760, ſhip from any layſtall of the city of *London*, ballaſt, but on no other account, on board any collier, or coaſting ſhip in the river, any quantity of dung, compoſt, earth, or ſoil, not exceeding 2000 tons in the whole; and may yearly ſhip from any layſtall of the city of *London*, for ballaſt, but on no other account, on board any collier or coaſting ſhip, any quantity of dung, *&c.* not exceeding 2000 tons.

CCLXIX. *Sect.* 17. Provided that ſuch leſſees or occupiers of the ſaid layſtalls, or the inſpectors employed by them yearly, after the firſt of *June* 1760, before the ſhipping

of any part of the ſaid additional 2000 tons of dung, *&c.* obtain a certificate thereof, under the hand of the mayor of *London*, and deliver ſuch certificate at the ballaſt office of the maſter wardens and aſſiſtants of the *Trinity-houſe*, before the firſt of *June* in every year, which additional 2000 tons of dung, *&c.* ſhall be excluſive of the 3000 tons allowed by 6 *Geo.* 2. *cap.* 29. *ſect.* 18. Par. CXLIV. but ſuch 2000 additional tons ſhall be ſubject to the like penalties and regulations as by the ſaid act are enacted, other than ſuch as are altered by this act.

CCLXX. *Sect.* 18. Any juſtice of peace of the county or place in which any offence for unloading ballaſt into the *Thames*, or throwing into the *Thames* any rubbiſh, *&c.* or putting any rubbiſh, *&c.* in any ſtreet in *London* or *Weſtminſter*, or ſuch part of the dutchy of *Lancaſter* in *Middleſex*, except as before is excepted, or ſweeping the ſame into any kennel in *London*, *&c.* except as before is excepted, whereby the ſame may be carried down ſuch kennel into the *Thames*, is committed, or wherein any ſuch offender is found, ſuch juſtice (not being a member of the corporation of the *Trinity-houſe*) is required to convict ſuch offender on the proper knowledge or view of ſuch juſtice; and every ſuch juſtice is to hear all the offences puniſhable by this act by pecuniary penalties, other than ſuch as are directed to be recovered in the courts at *Weſtminſter*; and upon an information exhibited or complaint, ſo that ſuch information or complaint be exhibited upon oath before ſuch juſtice within ſeven days after ſuch offence committed, ſuch juſtice is to iſſue warrants for the apprehending the party accuſed, and bringing him before any juſtice within his juriſdiction, to anſwer the complaint; which warrants the perſons to whom the ſame are directed are to execute upon the *Thames*, or on any ſhore adjoining; and for that purpoſe they are required in the day-time, to go on board any veſſel in the ſaid river; and on ſuch offender being apprehended, he ſhall be carried before ſome juſtice having juriſdiction in the premiſſes; and ſuch juſtice within his juriſdiction is to ſummon witneſſes as deſired on either ſide, and examine them on oath, and to give judgement: and in caſe the party accuſed be convicted, upon the proper knowledge or view of the juſtice, or upon the oath of any witneſs, or by confeſſion, and the penalty be not immediately paid, the ſame ſhall be levied by diſtreſs and ſale, as penalties incurred by the 6 *Geo.* 2. *cap.* 29. and in caſe ſufficient diſtreſs cannot be found ſuch juſtice ſhall by warrant commit the perſon convicted to the houſe of correction of the county or place where apprehended, to be kept to hard labour for any time not exceeding one month, or until payment of the penalties or compoſition for the ſame.

CCLXXI. *Sect.* 19. Any inhabitant of the pariſh or place in which any offence againſt this act is committed, ſhall notwithſtanding ſuch inhabitancy be a competent witneſs.

CCLXXII. *Sect.* 20. If any perſon ſummoned as a witneſs before any juſtice, neglect to appear, and no juſt cauſe be offered for ſuch neglect; then (after proof on oath of ſuch ſummons having been ſerved) every ſuch juſtice is to iſſue his warrant, to bring ſuch witneſs before any juſtice; and if ſuch witneſs on his appearance, or on being brought before any juſtice, refuſe to be examined on oath without offering ſome juſt excuſe, ſuch juſtice may by warrant commit any perſon ſo refuſing to be examined to the houſe of correction of the county or place where apprehended, for any time not exceeding one month nor leſs than one week.

CCLXXIII. *Sect.* 21. Every perſon ſummoned to appear and give evidence concerning any offence cognizable by this act, or neglecting to appear, or appearing and refuſing to give evidence, without juſt cauſe to be allowed of by ſuch juſtice, ſhall, being convicted by ſuch juſtice, forfeit 40*s.* to be levied by diſtreſs and ſale of goods as any other penalty under this act; and all money ſo forfeited ſhall be applied for the uſe of the poor of the pariſh or place in which ſuch neglect or refuſal is made; but no warrant ſhall be ſigned by a juſtice of the peace for committing to any houſe of correction any perſon convicted of ſuch neglect or refuſal, until it be proved by oath that the money forfeited by ſuch neglect or refuſal hath not been paid; and that no ſufficient diſtreſs can be found, within the juriſdiction of ſuch juſtice, whereon it may be levied.

CCLXXIV. *Sect.* 22. In caſe any perſon againſt whom a warrant is iſſued by any juſtice before or after conviction for any offence againſt this act, eſcape or be in any other county or place out of the juriſdiction of ſuch perſon granting ſuch warrant;

or if the goods of any offender be in a different county, &c. than where the ſaid party was convicted, or warrant of diſtreſs granted; it ſhall be lawful for any juſtice of the county, &c. into which ſuch perſon eſcapes, before or after conviction, or where his goods are after conviction, and they are required, upon proof upon oath of the hand writing of any juſtice granting ſuch warrant, to indorſe their name on ſuch warrant; and the ſame, when ſo indorſed, ſhall be a ſufficient authority to all peace officers to execute ſuch warrant in ſuch other county, &c. out of the juriſdiction of the perſon granting the ſaid warrant; and any juſtice, on the offender being brought before him, may determine the complaint as if it had originally aroſe within his juriſdiction, or may direct the offender to be carried to the juſtice who granted the original warrant.

CCLXXV. *Sect.* 23. The juſtice before whom any perſon ſhall be convicted, ſhall cauſe ſuch conviction to be drawn in the form or to the effect following:

To wit, } *BE it remembered, That on the day of in the year of his preſent Majeſty's reign,* A. B. *is convicted before of his Majeſty's juſtices of the peace for the county of or for the city of* (as the caſe ſhall be) *for and do adjudge him, her, or them* (as the caſe ſhall be) *to pay and forfeit for the ſame the ſum of*

Given under the day and year aforeſaid.

CCLXXVI. *Sect.* 24. No *certiorari* or other proceſs for removal of any ſuch conviction, or any proceedings thereon, into any court of record at *Weſtminſter*, ſhall be allowed; and no perſon proſecuted under this act, and convicted, ſhall be proſecuted or convicted for ſuch offence by any other law.

CCLXXVII. *Sect.* 25. All pecuniary penalties payable under this act (the application whereof is not before directed) ſhall be applied in manner following, *viz.* Where any perſon is convicted under this act, on the view of any juſtice, the whole money forfeited ſhall go to the poor of the pariſh or place; and where any perſon is convicted by the oath of witneſſes, or confeſſion, for any offence not done on the *Thames*, one moiety of the penalty ſhall go to the poor of the pariſh where ſuch offence is committed, and the other moiety to the perſon on whoſe information ſuch offender is convicted; and where any party is convicted for any offence on the *Thames*, one moiety of the penalty ſhall go to the poor of the corporation of *Trinity-houſe*, and the other moiety to the perſon on whoſe information any perſon is convicted.

CCLXXVIII. *Sect.* 26. It ſhall be lawful for any juſtice who convicts any offender, to mitigate the penalties, ſo as ſuch mitigation doth not remit above one moiety.

CCLXXIX. *Sect.* 27. If any perſon remain unſatisfied in the determination of any juſtice, ſuch perſon may appeal to the juſtices of peace at the next general quarter ſeſſions for the county or place wherein ſuch offence is committed, who are to ſummon and examine witneſſes upon oath, and to determine ſuch appeal; which determination ſhall be final, and not be removeable by *certiorai*, or otherwiſe, into any other court; and in caſe of conviction, to iſſue a warrant for levying the penalties and charges on ſuch appeal, if ſuch charges at ſuch ſeſſions be awarded; and in caſe of non-payment, to commit the offender on whoſe goods no ſufficient diſtreſs can be made, to the houſe of correction of the county or place where apprehended, to be kept to hard labour for any time not exceeding one month, or until payment or compoſition for ſuch penalty and charges.

CCLXXX. *Sect.* 28. The ſeveral clauſes herein before contained ſhall continue in force until the 24th of *June* 1770, and from thence to the end of the then next ſeſſion of parliament.

CCLXXXI. *Sect.* 29. If any ſuit be brought for any thing done in purſuance of this act, the ſuit ſhall be commenced within ſix months after the fact committed, and

and ſhall be brought in the county or place where the cauſe of action ariſes; and the defendant may plead the general iſſue: and if the plaintiff be nonſuited, &c. the defendant ſhall have treble coſts.

CCLXXXII. *Sect.* 30. This act ſhall be a public act.

Silk.

The 8 Geo. 1. cap. 15. *is continued to* 24 June 1766, &c. *by* 32 Geo. 2. cap. 23. § 2. *and the* 9 Geo. 1. cap. 8. § 9, & 10. *are continued by* 20 Geo. 2. cap. 45. § 3. *to* 1 June 1754, *&c.* Qu. *whether theſe are continued by the continuance of* 8 Geo. 1. cap. 15. *in* 26 Geo. 2. cap. 32. § 4. *&* 32 Geo. 2. cap. 23. § 2.

LIV. **Stat.** 23 *Geo.* 2. *cap.* 9. *ſect.* 1. The ſeveral duties now payable upon the importation of raw ſilk of the produce of *China* by virtue of ſeveral acts of parliament ſhall ceaſe and be no longer paid.

LV. *Sect.* 2. All raw ſilk imported from *China* by the *Eaſt India* company, or by any licence from them ſhall, in lieu of the duties repealed, pay the ſame duties as are now charged upon raw ſilk of the produce of *Italy*, to be paid by the *Eaſt India* company, in the ſame manner as the duties repealed.

LVI. *Sect.* 3. The ſeveral duties by this act granted ſhall be levied and applied as the duties repealed, and all the proviſions in any law now in force for levying and applying the duties hereby repealed, ſhall be put in execution for levying and applying the duties by this act granted.

LVII. *Sect.* 4. All raw ſilk of the produce of *China* imported ſhall, upon exportation, be intitled to the ſame drawbacks as are payable upon the exportation of raw ſilk of the produce of *Italy*.

LVIII. **Stat.** 23 *Geo.* 2. *cap.* 20. *ſect.* 1. It ſhall be lawful to import any raw ſilks of the growth and culture of any of his Majeſty's plantations in *America*, directly from thence into the port of *London*, without paying any duty; ſo as a due entry be firſt made thereof in the cuſtom-houſe at the time of importation, in the uſual manner, expreſſing the package, marks, and numbers, with the quantities and qualities of the goods; and ſo as the ſame be landed in the preſence of, and examined by the proper officer of the cuſtoms, and imported in ſhips that may lawfully trade to the plantations, manned as by law is required; and on failure of the ſaid conditions, ſuch ſilks ſhall be liable to the duties as if this act had never been made.

LIX. *Sect.* 2. To intitle the importer of raw ſilk to this exemption, every perſon who loads any raw ſilk on board any ſhip in any of the *Britiſh* plantations in *America*, ſhall before the clearing out of the ſaid ſhip make proof, on oath, before the collector and comptroller of the cuſtoms, and naval officer, at the port where ſuch raw ſilk is put on board, or any two of them, that the raw ſilk which he hath ſhipped (expreſſing the quantity thereof) is *bona fide* of the growth and culture of ſome of the *Britiſh* plantations in *America*, expreſſing the pariſh or place in ſuch plantation where the ſame was produced, and by whom, producing ſuch perſon's oath thereto made before the governor of ſuch province, or before the next juſtice of the peace (which oath ſhall be adminiſtered without fee) and the maſter of the ſhip on board which ſuch raw ſilk is loaded ſhall bring with him a certificate from ſuch collector and comptroller of the cuſtoms, and naval officer, or any two of them, under their hands and ſeals of office (which certificate they are to grant without fee) expreſſing the marks, number, tale, and weight of the raw ſilk, in each bale or other package ſo ſhipped, with the names and places of abode of the exporters from the ſaid plantations, and the names and places of abode of ſuch perſons, who have ſworn the goods therein mentioned to have been of the growth of the ſaid plantations, and the names of the perſons to whom the ſame are conſigned in the port of *London*; which certificate the ſaid maſter ſhall, on his arrival in the port of *London*, deliver to the collector,

lector, comptroller, or other chief officer of the cuſtoms at the ſaid port, at or before the entry of the ſaid raw ſilk; and at the ſame time ſhall make oath before any one of them (who are to adminiſter the ſame without fee) that the ſaid bales and goods contained in ſuch certificate, are the ſame as were taken on board in the ſaid plantations; and if any raw ſilk of the growth of the *Britiſh* plantations in *America*, be imported without ſuch certificate and oath by the maſter of the ſhip, all ſuch raw ſilks ſhall be liable to the duties as if this act had never been made.

LX. *Sect.* 3. If any perſon make an entry of any foreign raw ſilk, under the name of raw ſilk of the growth of any of the *Britiſh* plantations in *America*, or mix any foreign raw ſilk with raw ſilk of the growth of the *Britiſh* plantations in *America*, with intent to evade the payment of the duties on foreign raw ſilk, he ſhall forfeit 50 *l.* for every ſuch offence, and all ſuch foreign raw ſilk; and in caſe of any mixture, the quantity ſo mixed both of foreign and *Britiſh* plantation growth, or the value, with the bales or other packages ſhall be forfeited, and may be ſeized and proſecuted, or the value be ſued for, by any officer of the cuſtoms; one moiety of which penalties ſhall be to the uſe of his Majeſty, and the other moiety to him that ſhall ſeize or ſue in any court of record at *Weſtminſter*.

LXI. *Sect.* 4. If any doubt ariſe whether the ſaid raw ſilk, or any part thereof, is of the growth of the *Britiſh* plantations in *America*, or of foreign growth, the *onus probandi* ſhall lie on the owner.

LXII. *Sect.* 5. If any action be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts.

LXIII. **Stat.** 26 *Geo.* 2. *cap.* 21. *ſect.* 1. All velvets, wrought ſilks, and ſilks mixed with any other materials (ſuch velvets and ſilks not being manufactured in *Great Britain*, and ſuch ſilks not being prohibited to be worn therein) imported after the 29th of *September* 1753. ſhall after the ſame have been entered at the cuſtom-houſe, and before they are diſcharged by the officers and delivered to the importer or his agent, be marked or ſealed at each end of every piece, with ſuch mark and by ſuch officer as the reſpective commiſſioners of the cuſtoms in *Great Britain* direct.

LXIV. *Sect.* 2. Every perſon intending to export any ſuch velvets, wrought ſilks, or ſilks mixed with any other materials, imported after the ſaid 29th of *September*, ſhall before ſuch goods are ſhipped give notice to the officer appointed for that purpoſe by the commiſſioners of the cuſtoms, when and where he will pack up the ſaid goods, and the commiſſioners of the cuſtoms are to cauſe ſuch officer to take care that ſuch ſeals be taken off from every piece ſo intended to be exported, without fee; and no perſon ſhall be intitled to the drawback allowed upon the exportation of ſuch velvets, wrought ſilks, or ſilks mixed, unleſs he have given ſuch notice, and until ſuch ſeals be taken off.

LXV. *Sect.* 3. After the 29th of *September* 1754. in caſe any velvets, wrought ſilks, or ſilks mixed with any other materials (ſuch velvets or ſilks not being manufactured in *Great Britain*, and ſuch ſilks not being prohibited to be worn therein) be found in any ſhop or other place upon land within this kingdom, not being marked or ſealed as before directed upon both ends of every whole piece or upon one end of every remnant, the ſame ſhall be forfeited, and may be ſeized by any officer of the cuſtoms, and ſecured in ſome of his Majeſty's warehouſes; and all ſuch velvets, wrought ſilks, or ſilks mixed, ſo ſeized ſhall after condemnation be publicly ſold to the beſt bidder, and one moiety of the produce ſhall be to the uſe of his Majeſty, and the other moiety to the officer who ſhall ſeize the ſame; and the perſon in whoſe poſſeſſion the goods ſo ſeized are found, ſhall for every ſuch offence forfeit 200 *l.*

LXVI. *Sect.* 4. No velvets, wrought ſilks, or ſilks mixed, ſeized and forfeited ſhall be uſed in this kingdom, but ſhall be exported again, and not ſold otherwiſe than on condition to be exported, and ſhall be delivered out of the warehouſe wherein ſecured, until ſufficient ſecurity be given, that the ſame ſhall be exported and not landed again in *Great Britain*.

LXVII. *Sect.* 5. If any perſon counterfeit any mark or ſeal uſed in purſuance of this act, or the impreſſion of any ſuch ſtamp upon any goods required to be marked

or ſealed, or ſell, or expoſe to ſale, any of the ſaid goods with a counterfeit mark, knowing the ſame to be counterfeited, every ſuch offender, their aiders, abettors, and aſſiſtants, ſhall for every ſuch offence forfeit 500 *l.* and be adjudged to ſtand on the pillory in ſome public place for two hours.

LXVIII. *Sect.* 6. All pecuniary penalties by this act impoſed, ſhall be ſued for in any court of record at *Weſtminſter*, or in the court of exchequer at *Edinburgh* reſpectively, by action, *&c.* in the name of his Majeſty's attorney general, or of his Majeſty's advocate in *Scotland*, or in the name of ſome officer of the cuſtoms; and one moiety of every ſuch penalty ſhall be to his Majeſty, and the other moiety to the officer of the cuſtoms who ſhall inform and proſecute.

LXIX. *Sect.* 7. If any officer of the cuſtoms neglect, for one month, to proſecute to effect for any pecuniary penalty by this act inflicted, it ſhall be lawful for any perſon to ſue for ſuch penalties; and one moiety ſhall in ſuch caſe be applied to the uſe of his Majeſty, and the other moiety to the perſon who ſhall ſue for the ſame.

LXX. *Sect.* 8. Upon every action or information, for any pecuniary penalty impoſed by this act, a *capias* in the firſt proceſs ſhall iſſue, ſpecifying the ſum ſued for; and the defendant ſhall be obliged to give bail by ſubjects to the perſon to whom ſuch *capias* is directed, to appear in the court out of which ſuch *capias* iſſues, at the day of the return of ſuch writ, to anſwer ſuch ſuit; and ſhall at ſuch appearance give bail by ſuch perſons as aforeſaid, in the ſaid court, to pay all the penalties in caſe he be convicted, or to yield his body to priſon.

LXXI. *Sect.* 9. If any action be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts.

LXXII. *Sect.* 10. If any velvets, wrought ſilks, or ſilks mixed as aforeſaid, be ſeized by virtue of this act, and any doubt ariſe, where the ſaid velvets or ſilks were manufactured, the proof ſhall lie upon the owner, and not upon the proſecutor.

Soldiers.

CVII. **Stat.** 22 *Geo.* 2. *cap.* 44. *ſect.* 1. All ſuch officers, mariners, and ſoldiers, who have been at any time employed in his Majeſty's ſervice ſince his acceſſion to the throne, and have not ſince deſerted, may exerciſe ſuch trades as they are apt for, in any town or place within *Great Britain* and *Ireland*, and if any ſuch officer, mariner, or ſoldier, be ſued or indicted for uſing ſuch trades, upon making it appear to the court that he has ſerved the King as aforeſaid, he ſhall upon the general iſſue pleaded, be found not guilty; and if a verdict paſs againſt the proſecutor, *&c.* he ſhall pay double coſts.

CVIII. *Sect.* 2. This act ſhall not be prejudicial to the privileges of the univerſities of *Cambridge* and *Oxford*, or extend to give liberty to any perſon to ſet up the trade of a vintner, or to ſell wine or other liquors within the ſaid univerſities, without licence from the vice chancellors.

CIX. **Stat.** 28 *Geo.* 2. *cap.* 1. *ſect.* 1. All aſſignments, bargains, ſales, contracts, orders, agreements, or ſecurities, made by any out-penſioner of *Chelſea* hoſpital, for any money to become due on account of the out-penſion to out-penſioners admitted after the 25th of *December* 1754, ſhall be void.

CX. *Sect.* 2. Every out-penſioner admitted on the penſion liſt after 25 *December* 1754, ſhall on his admiſſion receive in advance, ſuch proportion of the penſion, as is equal to the remaining number of days of the current half-year then unexpired; and from the end of the ſaid half-year, ſhall on his perſonal appearance, or affidavit that ſuch out-penſioner was living during the whole or part of the half-year preceding, and reciting the place of his abode (ſuch affidavit to be made before a juſtice of peace of any county or place in *Great Britain* or *Ireland*, where ſuch out-penſioner reſides, for the taking of which no fee ſhall be paid) continue to receive in advance the ſaid penſion by half-yearly payments.

CXI. *Sect.* 3. All out-penſioners admitted before the 25th of *December* 1754, ſhall continue to receive their penſions according to the rules already eſtabliſhed, until the 25th of *December* 1755, and from thenceforth ſhall receive their penſions in advance in manner above directed; and all aſſignments, *&c.* by any ſuch out-penſioner, for any money to become due on any of the ſaid advanced half-yearly payments, ſhall be void.

CXII. *Sect.* 4. The agent appointed by his Majeſty for the payment of the out-penſion in the manner hereby directed, ſhall receive in advance from the treaſurer of *Chelſea* hoſpital ſuch monies as be neceſſary to diſcharge the ſame, and pay the ſaid penſion to the out-penſioners as aforeſaid, and give a receipt for the ſaid monies to the ſaid treaſurer; which ſhall be a diſcharge to the ſaid treaſurer; and the auditors of the impreſts are to allow all ſuch acquittances in the accounts of the treaſurer of *Chelſea* hoſpital; and the commiſſioners of the treaſury are to iſſue in advance to the treaſurer of *Chelſea* hoſpital ſuch moneys as be neceſſary for the payment of the ſaid out-penſion, upon warrant ſigned by the commiſſioners of *Chelſea* hoſpital or three of them.

CXIII. *Sect.* 5. The commiſſioners of *Chelſea* hoſpital, or three of them, are to cauſe to be made up, the laſt day of every half-year, a liſt of the out-penſioners who have either perſonally appeared, or been certified by affidavits, to be living during the whole or part of the half-year then expiring.

CXIV. *Sect.* 6. The commiſſioners of *Chelſea* hoſpital, or three of them, ſhall, on ſuch liſts ſo exhibited to them, cauſe to be made out a warrant to the treaſurer of *Chelſea* hoſpital, and ſign the ſame, directing the ſaid treaſurer to iſſue in advance unto the hands of an agent appointed as aforeſaid, ſuch ſum as is requiſite for the payment of the out-penſion.

CXV. *Sect.* 7. The treaſurer of *Chelſea* hoſpital ſhall deduct 1 *s.* in the pound out of all monies applicable to the payment of the ſaid out-penſion, as well as out of all monies directed to be iſſued in advance to the out-penſioners of *Chelſea* hoſpital, to be applied as his Majeſty ſhall by warrant under his ſign manual direct; and after the deduction of the ſaid 1 *s.* in the pound, the ſaid penſioners ſhall be paid without any other deduction: and if the agent appointed for the payment of the ſaid penſions, or any other agent or clerk employed in paying the ſame, take any fee for paying the ſaid penſion, or on any account relative to the ſaid out-penſion, ſuch perſon ſo offending ſhall *ipſo facto* forfeit his office, and forfeit 100 *l.* to any perſon who ſhall ſue for the ſame by action of debt, *&c.* in any court of record, within 12 calendar months after the offence; in which no eſſoin, *&c.* ſhall be allowed; and be deemed incapable of ſerving his Majeſty in any office civil or military.

South-ſea company.

CCII. **Stat.** 20 *Geo.* 2. *cap.* 3. *ſect.* 60. Whereas an annuity of 74,334 *l.* 11 *d.* payable to the *South-Sea* company is charged on the duties impoſed on coals and houſes by 8 *Ann. cap.* 4. and by repealing the duties on houſes by this act, the duties on coals may not be ſufficient to anſwer the ſaid annuity; it is enacted that in caſe of ſuch deficiency, the treaſury are to make it good out of the duties on houſes by this act granted, to be replaced out of the firſt ſupplies or *Sinking Fund.*

CCIII. **Stat.** 24 *Geo.* 2. *cap.* 2. *ſect.* 31. The company ſhall continue a corporation till the annuities purchaſed on this act ſhall be redeemed.

CCIV. **Stat.** 24 *Geo.* 2. *cap.* 11. *ſect.* 1. The *South-Sea* company ſhall receive their preſent annuity of four *per cent.* on their capital ſtock until 25 *Dec.* 1757. and from thence the ſaid annuity ſhall be reduced to three *per cent.* until redemption; in diſcharge of all demands by the company on the king of *Spain.*

CCV. *Sect.* 2. The company ſhall continue to receive from the exchequer, out of the funds appropriated for that purpoſe, ſo much as ſhall from time to time be due for the intereſt of, and charges of management upon ſuch part of the old and new *South-Sea* annuities as are not redeemed, and on their capital ſtock, as they now receive.

All

All rights with regard to the redemption of the ſaid capital ſtock are confirmed as they now ſtand.

CCVI. *Sect.* 3. If any officer or ſervant of the ſaid company intruſted with any note, bill, dividend warrant, bond, deed, or any ſecurity, money, or other effects of the ſaid company, or having any bill, *&c.* of any other perſon depoſited with the ſaid company, or with him as a ſervant of the ſaid company, ſhall ſecrete, embezil, or run away with, any ſuch note, *&c.* every officer or ſervant ſo offending, and convicted, ſhall be deemed guilty of felony, and ſhall ſuffer death.

CCVII. **Stat.** 26 *Geo.* 2. *cap.* 16. *ſect.* 1. The court of directors of the *South-Sea* company ſhall conſiſt of one governor, one ſub-governor, one deputy-governor, and 21 directors only; and the majority of ſuch court of directors, whereof the governor, ſub-governor, or deputy-governor (except as in the charter of the ſaid company is excepted) to be always one, ſhall be a court of directors.

CCVIII. *Sect.* 2. At the next general election of directors, 21 directors who were at the laſt election choſen, may be again choſen; and at every ſubſequent election, no more than fifteen who were at the laſt preceding general election of directors choſen, ſhall be again choſen into the office of director.

CCIX. *Sect.* 3. The ſalaries of the governors and directors of the ſaid company ſhall continue the ſame as they now are.

Southwark.

I. **Stat.** 28 *Geo.* 2. *cap.* 9. No market ſhall be kept in the high ſtreet of the borough of *Southwark* in the county of *Surry*, leading from *London-bridge* to *St. Margaret's-hill.*

II. *Sect.* 2. It ſhall not be lawful for any perſon to erect or uſe any ſtall, truſſel, block, or other ſtand, in the ſaid high ſtreet, or to expoſe to ſale, any peas, beans, herbs, victuals, or other commodities, in any ſtall *&c.* or carriage, in the ſaid high ſtreet in *Southwark.*

III. *Sect.* 3. Every erecting, placing, or uſing in any part of the ſaid high ſtreet, of any ſtall, truſſel, block, or other thing, and alſo the expoſing to ſale any commodities on them, and every ſtanding of any empty coach, cart, dray, or other carriage, in the ſaid high ſtreet (except only during the time of loading or unloading) ſhall be deemed a common nuiſance.

IV. *Sect.* 4. It ſhall not be lawful for any coachman or driver to ſtand or ply for hire with any coach or other carriage in the ſaid high ſtreet, or for any driver of any carriage to ſtand with any cart or other carriage in the ſaid high ſtreet, except only during the time of loading and unloading; and no carriage ſhall ſtand to load or unload with its tail at or before any dwelling-houſe, ſhop, or warehouſe; and if any coachman carman or driver offend herein, it ſhall be lawful for any conſtable or inhabitant of the place where the offence is committed, to apprehend every ſuch perſon ſo offending, before ſome juſtice of peace for the ſaid borough, or for the county of *Surry*, and upon conviction either by the confeſſion of the party, or the oath of one witneſs, before ſuch juſtice, every perſon ſo offending ſhall forfeit for every ſuch offence a ſum not exceeding 10 *s.* nor leſs than 5 *s.* as ſuch juſtice ſhall direct, to be applied to the uſe of the poor of the pariſh where ſuch offence is committed; and in default of payment, the offender ſhall be committed to the houſe of correction to be kept to hard labour for any time not exceeding ſeven days, or until he have paid the ſame.

V. *Sect.* 5. This act ſhall be deemed a public act.

Inſtead of the market removed by this act, a market is erected in a place called The Triangle, *in the pariſh of* St. Saviour, Southwark *by* 28 Geo. 2. cap. 23. *and* 30 Geo. 2. cap. 31. *which being executed, and of a private nature, are not here inſerted.*

Stamps.

The duties granted by 9 Geo. 2. cap. 32. *were made perpetual and appropriated to the Hanaper office by* 23 Geo. 2. cap. 25. **Chancery.**

CLXXXIX. **Stat.** 16 *Geo.* 2. *cap.* 26. *ſect.* 5. In caſe any perſon ſell, hawk, or expoſe to ſale any news paper, book, pamphlet or paper deemed a news paper, within the meaning of any act relating to the ſtamp duties, not being ſtamped as in the ſaid acts is directed, it ſhall be lawful for any juſtice of peace to commit ſuch offender, being convicted before him by confeſſion, or by the oath of one witneſs, to the houſe of correction for any time not exceeding three months; and it ſhall be lawful for any perſon to apprehend and carry before a juſtice of the county or place where ſuch offence is committed, any perſon ſo offending; and every perſon ſo apprehending ſuch offender, and carrying him before ſuch juſtice, ſhall, upon conviction of ſuch offender, and producing a certificate of ſuch conviction under the hand of ſuch juſtice (which certificate ſuch juſtice is to give without fee) be intitled to the reward of 20 *s.* to be paid by the receiver general of the ſtamp-duties.

CXC. **Stat.** 29 *Geo.* 2. *cap.* 12. *ſect.* 1. There ſhall be throughout *Great Britain* raiſed and paid to his Majeſty a duty of 20 *s.* for every piece of vellum, parchment or paper, on which ſhall be written or printed any licence for ſelling ale or beer or other exciſeable liquors by retail, over and above all other duties chargeable thereupon.

CXCI. *Sect.* 2. The ſaid duty ſhall be under the management of the commiſſioners appointed to manage the duties on ſtampt vellum *&c.* who are to cauſe a new ſtamp to be provided, to denote the ſaid duty of 20 *s.* and to do all other things neceſſary for putting this act in execution.

CXCII. *Sect.* 3. All vellum parchment and paper, upon which any ſuch licence ſhall be written or printed, ſhall be brought to the head office for ſtamping vellum *&c.* and the ſaid commiſſioners, by their officers, ſhall upon demand ſtamp any quantities of vellum *&c.* to be uſed for writing or printing ſuch licence, on paying to the receiver general of the ſtamp-duties, or his deputy or clerk, the duty for the ſame, without any fee; which ſtamp to be put thereupon in purſuance of this act, ſhall be a diſcharge for the duty hereby payable.

CXCIII. *Sect.* 4. The commiſſioners, and all other officers employed in the collecting or managing the ſaid duty, ſhall in the execution of their offices, obſerve ſuch orders as they receive from the commiſſioners of the treaſury; and no fee ſhall be taken by any ſuch commiſſioners and officers relating to the ſaid duty, for any thing to be done in purſuance of this act; and in caſe any officer intruſted in the execution of this act, neglect to perform any thing by this act required, whereby any of his Majeſty's ſubjects ſuſtain any damage, he ſhall be liable to anſwer to the party grieved all ſuch damage, with treble coſts of ſuit.

CXCIV. *Sect.* 5. The duty hereby granted ſhall be paid to the receiver-general of the duties of ſtampt vellum *&c.* who ſhall keep a diſtinct account thereof, and pay the ſame (the charges of raiſing, paying and accounting excepted) into the receipt of the exchequer, at ſuch time and in ſuch manner, as any former duties on ſtampt vellum *&c.*

CXCV. *Sect.* 6. The commiſſioners ſhall take care that the ſeveral parts of *Great Britain*, be ſufficiently furniſhed with vellum *&c.* ſtampt as by this act is directed, to the end that the ſubjects of his Majeſty may have it in their election to buy the ſame of the perſons employed by the commiſſioners, at the uſual rates above the ſaid duty, or to bring their own vellum *&c.* to be ſtampt.

CXCVI. *Sect.* 7. The price of ſuch ſtampt vellum *&c.* ſhall be yearly ſet, and ſuch price ſtampt, and ſuch allowance made upon preſent payment of the duty, for any quantity of the ſaid vellum *&c.* ſo by the ſaid commiſſioners to be ſold, as by any former law relating to ſtampt vellum *&c.* is directed.

CXCVII. *Sect.* 8. The ſaid ſtamp hereby directed to be uſed, may be altered or renewed as any other ſtamp on vellum *&c.* by any former law; and all perſons who have any vellum *&c.* marked with the ſtamp ſo altered or renewed, or on which a new ſtamp is hereby directed to be impreſſed, ſhall have the like remedy and allowance as by any former law.

CXCVIII. *Sect.* 9. The commiſſioners and their officers ſhall be ſubject to ſuch penalties for any breach of the truſt hereby in them repoſed, or for miſapplying the money as by any former law relating to ſtampt vellum *&c.*

CXCIX. *Sect.* 20. If any perſon cauſe to be written or printed any ſuch licence as aforeſaid, before the vellum parchment or paper whereupon ſuch licence is written or printed, appear to have been duly ſtamped, every perſon ſo offending ſhall for every ſuch offence forfeit 10 *l.* with coſts of ſuit; to be recovered as penalties by any former laws relating to ſtamped vellum *&c.* And if any ſuch licence be ſo written or printed contrary to this act, there ſhall be paid to his Majeſty, over and above the duty hereby payable, 5 *l.* to be applied as the ſaid duty: and no ſuch licence ſhall be available in law, or be given in evidence, or admitted in any court, unleſs as well the duty hereby charged, as the ſaid 5 *l.* be firſt paid, and a receipt produced for the ſame under the hand of the receiver general of the ſtamp duties, or of his deputy or clerk, and until the vellum *&c.* on which ſuch licence is written or printed be ſtamped according to this act; and the ſaid receiver general or his deputy or clerk ſhall upon payment or tender of the duty payable by this act, and of the ſaid 5 *l.* give a receipt for ſuch money, and thereupon the officers ſhall ſtamp ſuch licence.

CC. *Sect.* 21. If any perſon counterfeit or forge any ſtamp to reſemble the ſtamp directed to be provided by this act, or counterfeit the impreſſion of the ſame upon any vellum *&c.* with intent to defraud his Majeſty of the ſaid duty, or utter any vellum *&c.* with ſuch counterfeit ſtamp, or privately or fraudulently uſe any ſtamp to be provided or uſed in purſuance of this act with intent to defraud his Majeſty of the ſaid duty, or procure to be forged or counterfeited any ſtamp to reſemble any ſtamp hereby directed to be uſed, every perſon ſo offending, being convicted, ſhall be adjudged a felon, and ſhall ſuffer death.

CCI. *Sect.* 25. Nothing in this act, or in any former law relating to ſtamped vellum *&c.* ſhall extend to charge with any duty ſuch vellum *&c.* on which any licence to be granted by the commiſſioners of exciſe of *England* or *Scotland*, or by their officers, to retail diſtilled liquors or ſtrong waters, ſhall be written or printed.

CCII. *Sect.* 27. Towards making good to the ſinking fund the intereſt of two millions charged thereon by 29 *Geo.* 2. *cap.* 7. the duty hereby granted ſhall be made part of the ſaid fund.

CCIII. *Sect.* 28. If any action be brought for any thing done by virtue of this act, the defendant may plead the general iſſue: and if the plaintiff diſcontinue ſuch action *&c.* the defendant ſhall recover treble coſts.

CCIV. **Stat.** 29 *Geo.* 2. *cap.* 13. *ſect.* 1. There ſhall be raiſed and paid unto his Majeſty for all playing cards and dice made fit for ſale or uſe in *Great Britain*, the additional duties following, over and above all duties chargeable thereupon, *viz.*

For every pack of ſuch cards, 6 *d.* over and above the duty of 6 *d.* payable for the ſame.

And for every pair of ſuch dice, 5 *s.* over and above the duty of 5 *s.* payable thereon.

Such duties to be paid by the makers of ſuch cards and dice reſpectively.

CCV. *Sect.* 2. The ſaid duties ſhall be under the management of the commiſſioners for the ſtamp-duties, who, by themſelves or their officers, ſhall cauſe a ſtamp or mark to be uſed to denote the additional duties hereby granted, in ſuch manner as ſtamps by the 9 *Ann. cap.* 23. are directed.

CCVI. *Sect.* 3. The duties hereby granted ſhall be paid to the receiver general of the duties on ſtampt vellum *&c.* who ſhall keep a diſtinct account thereof, and pay the ſame (the charges of raiſing paying and accounting excepted) in the receipt of

of the *Exchequer*, at ſuch time and in ſuch manner as any former duties on ſtampt vellum, *&c.*

CCVII. *Sect.* 4. All powers proviſions penalties, and all things preſcribed in the 9 *Ann. cap.* 23. 10 *Ann. cap.* 19. 3 *Geo.* 1. *cap.* 7. 5 *Geo.* 1. *cap.* 19. *&* 6 *Geo.* 1. *cap.* 25. or in any other act relating to the like duties, and not hereby altered, ſhall be of force with relation to the additional duties hereby charged on cards and dice.

CCVIII. *Sect.* 5. If any perſon counterfeit or forge any ſtamp to reſemble the ſtamp directed to be uſed by this act, for denoting the duties on cards and dice hereby granted, or counterfeit the impreſſion of the ſame upon any cards or dice, or any thread or paper incloſing any pack or parcel of cards, with an intent to defraud his Majeſty; or utter any cards or dice with ſuch counterfeit ſtamp, knowing the ſame to be counterfeit, or privately and fraudulently uſe any ſtamp hereby directed to be uſed, with intent to defraud his Majeſty, or procure to be forged or counterfeited any ſtamp to reſemble any ſtamp hereby directed to be uſed, or procure any card or dice, or any thread and paper incloſing any cards, to be ſtamped with any ſuch counterfeit ſtamp, or counterfeit or procure to be counterfeited any ſtamp by the 10 *Ann. cap.* 19. directed to be impreſſed on the ſpotted ſide of one card in each pack, or utter any cards with ſuch counterfeit ſtamp, knowing the ſame to be counterfeit, or privately and fraudulently uſe any ſtamp uſed for ſtamping the ſpotted ſide of any ſuch card, with an intent to defraud his Majeſty of any of the duties on cards and dice; every perſon ſo offending, and being convicted, ſhall be adjudged a felon, and ſuffer death as in caſes of felony, without benefit of clergy.

CCIX. *Sect.* 6. All playing cards made in *Great Britain* for exportation, ſhall before they are packed up for exportation be incloſed in paper and thread, in packs or parcels, in ſuch manner as the commiſſioners for managing the duties on ſtampt vellum *&c.* direct, to diſtinguiſh them from other cards liable to the duties thereon impoſed; and one card in every pack of playing cards ſo made or intended for exportation, or ſo many cards in every ſuch pack as the commiſſioners direct, ſhall be ſtampt on the ſpotted ſide with ſuch mark as the commiſſioners direct; and if any perſon utter to be uſed in *Great Britain*, or uſe or permit to be uſed in any public gaming-houſe, any playing cards ſo ſtampt and diſtinguiſhed as cards for exportation, every perſon ſo offending, ſhall for every pack of cards ſo uttered or uſed, or permitted to be uſed, forfeit 20 *l.* to be recovered and diſtributed as penalties by any former law relating to cards and dice.

CCX. *Sect.* 7. No bond entered into purſuant to the 10 *Ann. cap.* 19. for exporting cards and dice, ſhall be vacated or delivered up, until proof be made, that ſuch cards or dice have been entered and ſhipped for exportation as cards and dice, and not as ſtationary wares; and until a certificate of ſuch entry and ſhipping, ſigned by the proper officers of the cuſtoms be produced; which certificate the ſaid officers are to give without fee, notwithſtanding 5 *Geo.* 1. *cap.* 19. Par. CLXIV.

CCXI. *Sect.* 8. If any perſon ſell or buy any cover or label, before made uſe of for denoting the duty payable on cards in order to be made uſe of for the incloſing any pack of cards, every perſon ſo offending, ſhall for every ſuch offence forfeit 20 *l.* to be recovered in manner aforeſaid, and to be diſtributed, one moiety to the uſe of his Majeſty, and the other moiety to any perſon who ſhall inform and ſue for the ſame.

CCXII. *Sect.* 9. If either the buyer or ſeller of any ſuch cover or label, inform againſt the other party concerned in buying or ſelling ſuch cover or label, the party ſo informing ſhall be admitted to give evidence againſt the party informed againſt, and ſhall be indemnified againſt the penalties ſo incurred.

CCXIII. *Sect.* 10. If any perſon ſell or diſpoſe of any cards, called *waſte cards*, unleſs he before ſuch ſale mark the back or plain ſide of every painted card, in ſuch manner as to render the ſame unfit to be uſed in play; every perſon ſo offending ſhall, for every ſuch offence, forfeit 20 *l.* to be recovered and diſtributed in manner aforeſaid.

CCXIV. *Sect.*

CCXIV. *Sect.* 11. If any action be brought for any thing done by virtue of this act, the defendant may plead the general iſſue; and if the plaintiff diſcontinue *&c.* the defendant ſhall recover treble coſts.

CCXV. *Sect.* 12. The duties hereby charged, ſhall be made part of the *Sinking fund.*

CCXVI. **Stat.** 30 *Geo.* 2. *cap.* 19. *ſect.* 1. There ſhall be paid, throughout *Great Britain*, to his Majeſty,

For every piece of vellum, parchment or paper, upon which ſhall be written or printed any indenture, leaſe, bond, or other deed, for which a ſtamp duty of 6 d. *is payable, by* 12 Ann. ſt. 2. cap. 9. *over and above all other duties by the ſaid act, or any other act impoſed, an additional ſtamp duty of* 1 s.

For every news paper or paper containing public occurrences printed in Great Britain *to be diſperſed, whether contained in half a ſheet, or any leſs piece, or in any paper larger than half a ſheet, and not exceeding one whole ſheet, over and above all other duties by* 10 Ann. cap. 19. *or any other act impoſed, an additional duty of* 1 *half-penny.*

For every advertiſement in the London Gazette, *or any other printed paper diſperſed weekly, or oftner, over and above all other duties by* 10 Ann. cap. 19. *or any other act impoſed, an additional duty of* 1 s.

For every advertiſement in any paper or pamphlet, printed in Great Britain, *to be diſperſed yearly, monthly, or at any other interval exceeding one week, a duty of* 2 s.

For every almanack for one year, or for any time leſs, printed on one ſide of one piece of paper, over and above the duty charged by 9 Ann. cap. 23. *an additional duty of* 1 d.

For every other printed almanack for one year, over and above the duty charged by the ſaid act, an additional duty of 2 d.

For every almanack made to ſerve for ſeveral years, the ſaid ſeveral additional duties for every ſuch year.

For every piece of vellum parchment, or paper, on which ſhall be written, or printed, any licence for retailing wine, to be granted to any perſon who ſhall not take out, either a licence for retailing ſpirituous liquors, or a licence for retailing beer, ale, or other exciſeable liquors, over and above all other duties payable by any former act, impoſing duties on ſtampt vellum, &c. *an additional duty of* 5 l.

For every piece of vellum, &c. *on which ſhall be written, or printed, auy licence for retailing wine, to be granted to any perſon who ſhall take out a licence for retailing beer, ale, and other exciſeable liquors, but ſhall not take out a licence for retailing ſpirituous liquors, over and above all other duties, an additional duty of* 4 l.

For every piece of vellum &c. *on which ſhall be written, or printed, any licence for retailing wine, to be granted to any perſon who ſhall take out a licence for retailing ſpirituous liquors, over and above all other duties, an additional duty of* 40 s.

CCXVII. *Sect.* 18. To prevent the multiplication of ſtamps upon ſuch pieces of vellum *&c.* on which ſeveral duties are by ſeveral acts impoſed, it ſhall be lawful for the commiſſioners, to cauſe one new ſtamp to be provided, to denote the ſaid ſeveral duties on every piece of vellum, *&c.* charged with the ſaid ſeveral duties.

CCXVIII. *Sect.* 19. All vellum *&c.* upon which any indenture, leaſe, bond or other deed, by this act charged with a duty of 1 *s.* ſhall after the 5th of *July* 1757, be written or printed, ſhall be brought to the head office for ſtamping vellum, *&c.* and the commiſſioners by themſelves, or their officers, ſhall upon demand, ſtamp any quantities of vellum, *&c.* to be uſed for the purpoſe of writing or printing ſuch indentures, leaſes, bonds, and other deeds, the perſon demanding it, paying to the receiver general of the ſtamp duties, or his deputy or clerk, the ſeveral duties payable by this act; which ſtamp to be put thereupon in purſuance of this act, ſhall be a diſcharge for the duty hereby payable.

CCXIX. *Sect.* 20. The commiſſioners ſhall take care that the ſeveral parts of *Great Britain*, be furniſhed with vellum, *&c.* ſtamped as by this act is directed; to the end that the ſubjects of his Majeſty may have it in their election, either to buy the

the ſame of the perſons employed by the ſaid commiſſioners at the uſual rates above the ſaid duties, or to bring their own vellum, &c. to be ſtamped.

CCXX. *Sect.* 21. The price of ſuch ſtamped vellum, &c. ſhall be yearly ſet, and ſuch price marked, and ſuch allowance made on preſent payment of the duties for any quantity of the ſaid vellum, &c. ſo ſold, as by any former law relating to ſtamped vellum, &c. is directed.

CCXXI. *Sect.* 22. Such ſtamps as the commiſſioners are to uſe, may be altered and renewed, as any other ſtamps on vellum, &c. and all perſons who have in their poſſeſſion, any vellum, &c. marked with the ſtamp ſo altered or renewed, or on which, being already ſtamped with a ſtamp denoting any former duty, a new ſtamp is hereby directed to be impreſſed, ſhall have the like remedy and allowance, as by any former law relating to ſtamped vellum, &c.

CCXXII. *Sect.* 23. The ſeveral duties herein granted, ſhall be paid to the receiver general of the duties on ſtamped vellum, &c. who ſhall keep a diſtinct account of the ſeveral duties, and pay the ſame (the charges of raiſing paying and accounting being deducted) into the exchequer, at ſuch time and in ſuch manner as any former duties on ſtamped vellum, &c. and in the office of the auditor of the receipt of the exchequer ſhall be kept a book in which all the monies ariſing from the ſaid ſeveral duties, and paid into the ſaid receipt, ſhall be entered apart from all other monies paid to his Majeſty; and the money ſo paid into the receipt of exchequer, ſubject to the payment herein before directed, ſhall be part of the fund eſtabliſhed by this act.

CCXXIII. *Sect.* 24. The commiſſioners, and all other officers employed in the collection or management of the duties herein granted, ſhall in the execution of their offices obſerve ſuch orders, as they receive from the commiſſioners of the treaſury; and no fee ſhall be taken by any ſuch commiſſioners or officers from any of his Majeſty's ſubjects, for any thing done in purſuance of this act; and in caſe any officer employed in the execution of this act, in relation to the ſaid duties, neglect to do any thing by this act required, whereby any of his Majeſty's ſubjects ſuſtain any damage, ſuch officer ſhall be liable, by any action founded on this ſtatute, to anſwer to the party grieved all ſuch damage, with treble coſts.

CCXXIV. *Sect.* 25. The commiſſioners and their officers ſhall be ſubject to ſuch penalties for any breach of truſt, or for miſapplying the money received in purſuance of this act, as by any former law relating to ſtamped vellum, &c. are inflicted; and all powers, proviſions, forfeitures and other things preſcribed by any former act relating to the duties on vellum, &c. on which any indenture or deed is written or printed, or to the duties on news papers advertiſements and almanacks, and not hereby altered, ſhall be in force, with relation to the additional duties hereby impoſed.

CCXXV. *Sect.* 26. Every perſon who ſhall ſell or expoſe to ſale, any almanack, liable to any duty by this or any former act impoſed, not being ſtamped as by this or any former act is directed, ſhall for every ſuch offence be liable to the ſame puniſhment as is inflicted on any hawker of unſtamped news papers by the 16 *Geo.* 2. *cap.* 26. Par. CLXXXIX. and every juſtice of peace ſhall have the like power to convict ſuch offender, as by the ſaid act is granted, and every perſon who apprehends ſuch offender, ſhall be intitled to the like reward, as by the ſaid act is granted.

CCXXVI. *Sect.* 27. If any perſon counterfeit or forge, or procure to be counterfeited or forged any ſtamp to reſemble any ſtamp directed to be uſed by this or any other act for denoting the duties, or counterfeit or reſemble the impreſſion of the ſame, with an intent to defraud his Majeſty of any duties; or utter, or ſell, any vellum parchment or paper, liable to any ſtamp duty, with ſuch counterfeit ſtamp, knowing the ſame to be counterfeit; or privately and fraudulently uſe any ſtamp directed to be uſed by this or any other act relating to the ſtamp duties, with intent to defraud his Majeſty of any of the ſaid duties; every perſon ſo offending, and being convicted, ſhall be adjudged a felon, and ſhall ſuffer death as in caſes of felony, without benefit of clergy.

CCXXVII. *Sect.* 74. If any perſon be ſued for any thing done in purſuance of this act, he may plead the general iſſue; and if a verdict paſs for the defendant, *&c.* the defendant ſhall have treble coſts.

CCXXVIII. **Stat.** 32 *Geo.* 2. *cap.* 35. *ſect.* 1. There ſhall be throughout *England Wales* and *Berwick* paid unto his Majeſty for every piece of vellum parchment or paper, on which the ſeveral things after-mentioned ſhall be written (over and above the duties, now payable) the further duties following, *viz.*

CCXXIX. *Sect.* 2. *For every piece of vellum, parchment or paper, upon which any affidavit to be made uſe of in any court of law or equity at* Weſtminſter, *or in any court of the great ſeſſions in* Wales, *or in the court of the county palatine of* Cheſter, *ſhall be written (except affidavits taken purſuant to* 30 Car. 2. ſt. 1. cap. 3. *&* 32 Car. 2. cap. 1. *for burying in woollen; and except affidavits taken before the officers of the cuſtoms, or any juſtice of peace, or before commiſſioners appointed by any act of parliament, for aſſeſſing any duties, and which ſhall be taken by the ſaid officers of the cuſtoms, juſtices, or commiſſioners, by virtue of their authority as juſtices or commiſſioners,* 6 d.

CCXXX. *Sect.* 3. *For every piece,* &c. *upon which any copy of ſuch affidavit as is before charged, that ſhall be filed or read in any of the ſaid courts, ſhall be written,* 6 d.

CCXXXI. *Sect.* 4. *For every piece,* &c. *upon which any common bail to be filed in any court of law at* Weſtminſter, *or in any of the aforeſaid courts, and upon which any appearance that ſhall be made upon ſuch bail, ſhall be written,* 6 d.

CCXXXII. *Sect.* 5. *For every piece,* &c. *upon which any rule or order made in any of the courts at* Weſtminſter, *of law or equity, ſhall be written,* 6 d.

CCXXXIII. *Sect.* 6. *For every piece,* &c. *upon which any ſuch rules or orders entered, ſhall be written,* 6 d.

CCXXXIV. *Sect.* 7. *For every piece,* &c. *upon which any original writ (except ſuch on which a* capias *iſſues)* Sub pœna, *bill of* Middleſex, Latitat, Capias quo minus, Dedimus poteſtatem *to take anſwers, examine witneſſes, or appoint guardians, or any other writ proceſs or mandate, that ſhall paſs the ſeals of any the courts at* Weſtminſter, *courts of the great ſeſſions in* Wales, *courts of the counties palatine, or any other court holding plea, where the debt or damage dath amount to* 40 s. *or above, or the thing in demand is of that value, ſhall be written (writs of covenant for levying fines, writs of entry for ſuffering common recoveries, and writs of* Habeas corpus, *excepted)* 6 d.

CCXXXV. *Sect.* 8. *For every piece,* &c. *upon which any depoſition taken in the court of chancery, or other court of equity at* Weſtminſter (*except the paper draughts of depoſitions, taken by virtue of any commiſſion, before they are ingroſſed) or upon which any copy of any bill, anſwer, plea, demurrer, replication, rejoinder, interrogatories, depoſitions, or other proceedings, in ſuch courts of equity, ſhall be written,* 1 *d.*

CCXXXVI. *Sect.* 9. *For every piece,* &c. *upon which any declaration, plea, replication, rejoinder, demurrer or other pleading in any court at* Weſtminſter, *or in any of the courts of the principality of* Wales, *or in any of the courts of the counties palatine of* Cheſter, Lancaſter, *or* Durham, *ſhall be written,* 1 d. *and,*

CCXXXVII. *Sect.* 10. *For every piece,* &c *upon which any copy thereof ſhall be written,* 1 d.

CCXXXVIII. *Sect.* 11. The ſaid additional duties ſhall be under the management of the commiſſioners appointed to manage the duties payable on ſtamped vellum, *&c.* who are to employ ſuch officers under them as they think proper; and to uſe ſuch ſtamps to denote the duties hereby charged as they think fit; and to alter the ſame, as there ſhall be occaſion; and to do all other things neceſſary for putting this act in execution with relation to the ſaid duties, in like manner as they are authorized to put in execution any former law concerning ſtamped vellum, *&c.*

CCXXXIX. *Sect.* 12. It ſhall be lawful for the commiſſioners, inſtead of the diſtinct ſtamps directed to denote the ſeveral duties on the vellum, *&c.* charged therewith, to cauſe one new ſtamp to be provided, to denote the ſaid ſeveral duties.

CCXL. *Sect.*

CCXL. *Sect.* 13. All vellum, *&c.* charged by this act which hath been, or ſhall, before the 5th of *July* 1759, be ſtamped in purſuance of former acts, ſhall before any of the things in reſpect whereof any duty is hereby made payable be written thereupon, ſuch writing being after the ſaid 5th of *July*, be brought to the head office for ſtamping vellum, *&c.* to be ſtamped with another ſtamp, over and beſides the ſtamps put thereupon in purſuance of former acts, and all vellum, *&c.* which hath not been, or ſhall not, before the ſaid 5th of *July*, be ſtamped in purſuance of the former acts, ſhall, before any of the things in reſpect whereof any ſtamp duty is payable hereby and by former acts be thereupon written, ſuch writing being after the ſaid 5th of *July*, be brought to the ſaid head office, and there ſtamped with the proper ſtamps, to denote the reſpective duties charged thereupon: and if any of the ſaid things ſo to be written, be written contrary to the meaning hereof, upon vellum, *&c.* not appearing to have been ſtamped according to this act, there ſhall be paid (over and above the ſtamp duties) for every ſuch thing 5 *l.* and no ſuch thing ſhall be available in law or equity, or be given in evidence, or admitted in any court, unleſs as well the duty hereby charged as the ſaid 5 *l.* be firſt paid to the receiver general of the ſtamp duties, or his deputy or clerk; and until the vellum, *&c.* upon which ſuch thing is written be ſtamped according to the meaning hereof: and the ſaid receiver general, and his deputy or clerk, are required upon tender of the ſaid duties, and of the ſaid 5 *l.* and ſuch other ſums as by former acts are payable, to give a receipt for ſuch monies; and the other proper officers are to ſtamp ſuch things with the proper ſtamps, which 5 *l.* is to be applied to the ſame uſes as the duties hereby granted.

CCXLI. *Sect.* 14. The duties herein before granted ſhall be paid to the receiver general of the duties on ſtamped vellum, *&c.* who ſhall keep a diſtinct account of the duties ariſing by this act, and pay the ſame (the charges of raiſing paying and accounting being deducted) into the receipt of the exchequer, for the purpoſes after expreſſed, at ſuch time and in ſuch manner as any former duties on ſtamped vellum, *&c.* and in the office of the auditor of the ſaid receipt, ſhall be kept books, in which all the monies ariſing from the duties hereby granted and paid into the ſaid receipt ſhall be entered ſeparate from all other monies.

CCXLII. *Sect.* 15. The ſaid commiſſioners, and all officers employed in the collection or management of the ſaid duties, ſhall, in the execution of their offices, obſerve ſuch orders as they receive from the treaſury; and no fee ſhall be taken by any ſuch commiſſioners or officers for any thing done in purſuance of this act; and in caſe any officer employed in the execution of this act in relation to the ſaid duties, neglect to do any thing by this act required whereby any of his Majeſty's ſubjects ſuſtain any damage, ſuch officer ſhall be liable by any action founded on this ſtatute to anſwer to the party grieved all ſuch damages, with treble coſts.

CCXLIII. *Sect.* 16. The ſaid commiſſioners and their officers ſhall be ſubject to ſuch penalties for any breach of truſts in them repoſed, or for diverting or miſapplying the money received in purſuance of this act, as by any former law relating to ſtamped vellum, *&c.* and all powers proviſions and all other things preſcribed by any former act relating to the duties on vellum, *&c.* on which any affidavit or any other thing before-mentioned in reſpect whereof any duty is by this act granted, is written, and not hereby altered, ſhall be in force with relation to the additional duties hereby impoſed, and ſhall be put in execution for levying the ſaid additional duties.

CCXLIV. *Sect.* 17. If any perſon counterfeit or forge, or procure to be counterfeited, *&c.* any ſtamp to reſemble any ſtamp uſed for denoting the duties hereby granted, or counterfeit or reſemble the impreſſion of the ſame, with intent to defraud his Majeſty, or utter any vellum, *&c.* liable to any ſuch ſtamp duty, with ſuch counterfeit ſtamp, knowing the ſame to be counterfeit; or privately or fraudulently uſe any ſtamp directed to be uſed by this act, with intent to defraud his Majeſty; every perſon ſo offending, and convicted, ſhall be adjudged a felon, and ſhall ſuffer death.

CCXLV. *Sect.* 23. If any perſon be ſued for any thing done in purſuance of this act, he may plead the general iſſue; and if a verdict paſs for the defendant, he ſhall have treble coſts.

Stannaries.

VIII. **Stat.** 27 *Geo.* 2. *cap.* 6. *ſect.* 2. All the proviſions and regulations in the 20 *Geo.* 2. *cap.* 19. **Labourers.** relating to ſervants in huſbandry, handycrafts-men, miners, colliers, keel-men, pit-men, glaſs-men, porters, and other labourers, ſhall extend to the tinners and miners employed in the ſtannaries in the counties of *Devon* and *Cornwall* reſpectively.

IX. *Sect.* 3. Nothing in this act ſhall reſtrain any perſon from applying to the ſtannary courts, or to the warden, vice-warden, or ſtewards of the ſtannaries, in relation to any of the matters before-mentioned.

Stores of war and naval ſtores.

The 2 Geo. 2. cap. 35. *is continued as to the premiums, to* 24 June 1766, &c. *by* 32 Geo. 2. cap. 23. ſect. 3.

XLI. **Stat.** 17 *Geo.* 2. *cap.* 40. *ſect.* 10. It ſhall be lawful for any judge, juſtice or juſtices at the aſſizes, or juſtices of peace at the general quarter-ſeſſions, to try, and determine, by indictment or otherwiſe, the offences mentioned in the 9 and 10 *Will.* 3. *cap.* 41. and the 9 *Geo.* 1. *cap.* 8. and the ſaid judge, juſtice or juſtices of aſſize, or juſtices of peace, before whom ſuch offender in indicted, or tried and convicted of the offences in the ſaid acts mentioned, may impoſe any fine, not exceeding 200*l.* on ſuch offender, one moiety to be paid to his Majeſty, and the other moiety to the informer; and may mitigate the penalty, and commit the offender until payment; or in lieu thereof puniſh ſuch offender corporally, by cauſing him to be publicly whipped and committed to ſome houſe of correction, or workhouſe, to be kept to hard labour for three months, or leſs time.

XLII. **Stat.** 25 *Geo.* 2. *cap.* 35. *ſect.* 3. No bounty ſhall be paid on any tax *according to* 2 *Geo.* 2. *cap.* 35. unleſs each barrel contain 31 gallons and one half; and the officers ſhall not ſurvey the ſame, till the water be all drawn off, and every barrel filled up with tar. *This clauſe is re-enacted in* 32 Geo. 2. cap. 23. ſect. 4. *See* **Plantations** *and* **Scotland.**

Swearing and curſing.

I. **Stat.** 19 *Geo.* 2. *cap.* 21. *ſect.* 1. If any perſon profanely curſe or ſwear, and be convicted on the oath of one witneſs before any juſtice of peace, or before the mayor, juſtice, bailiff or other chief magiſtrate, of any city or town corporate, or by confeſſion, he ſhall forfeit as is herein after-mentioned; *viz.*

Every day labourer, common ſoldier, common ſailor and common ſeaman, 1*s.*
Every other perſon under the degree of a gentleman, 2*s.*
And every perſon of or above the degree of a gentleman, 5*s.*

And in caſe any ſuch perſon after conviction offend a ſecond time, he ſhall forfeit double; and for every other offence after a ſecond conviction, treble the ſum firſt forfeited.

II. *Sect.* 2. In caſe any perſon profanely ſwear or curſe, in the hearing of any juſtice of peace, or of any mayor, *&c.* every ſuch juſtice, mayor, *&c.* ſhall convict every ſuch offender in the manner herein after ſet forth, without any other proof.

III. *Sect.* 3. In caſe any perſon profanely ſwear or curſe, in the hearing of any conſtable, petty conſtable, tythingman or other peace officer, every ſuch peace officer ſhall, in caſe ſuch perſon be unknown, ſeize and detain him, and carry him before the next juſtice, or mayor, *&c.* of the place wherein ſuch offence was committed; and the ſaid juſtice,

juſtice, mayor, &c. ſhall, on the oath of ſuch peace officer, convict the offender in manner after directed; and in caſe ſuch perſon be known to ſuch peace officer, he ſhall make information before ſome juſtice, mayor or chief magiſtrate, in order that the offender may be convicted and puniſhed.

IV. *Sect.* 4. Every ſuch juſtice of peace, mayor or other chief magiſtrate ſhall, upon information given upon oath of any ſuch peace officer, or of any other perſon, cauſe the offender to appear before him; and upon ſuch information being proved, convict ſuch offender in ſuch manner as by this act is preſcribed: and in caſe ſuch offender pay not immediately the ſum forfeited, or give ſecurity to the ſatisfaction of ſuch juſtice or magiſtrate, it ſhall be lawful for ſuch juſtice, &c. to commit the offender to the houſe of correction for the county, &c. where ſuch offence is committed, to be kept to hard labour for ten days.

V. *Sect.* 5. In caſe any common ſoldier in his Majeſty's ſervice, or any common ſailor or ſeaman be convicted of profane curſing or ſwearing, and pay not immediately the penalty, or give ſecurity for the ſame, and the coſt of the information ſummons and conviction, inſtead of being committed to the houſe of correction, he ſhall be publicly ſet in the ſtocks for one hour, for every ſingle offence; and for any number of offences, whereof he is convicted at the ſame time, two hours.

VI. *Sect.* 6. If any juſtice of peace, mayor, or other chief magiſtrate of any town corporate, wilfully omit the performance of his duty in the execution of this act, he ſhall forfeit 5 *l.* one moiety to the uſe of the informer, and the other moiety to the uſe of the poor of the pariſh wherein he reſides; to be recovered in any court of record at *Weſtminſter*; wherein no eſſoin, &c. ſhall be allowed.

VII. *Sect.* 7. If any conſtable, petty conſtable, tythingman or other peace officer, wilfully omit the performance of his duty in the execution of this act, and be convicted by the oath of one witneſs, before any juſtice of peace, or before the mayor or other chief magiſtrate of any town corporate, he ſhall forfeit 40 *s.* to be levied by diſtreſs and ſale of goods, by a warrant of ſuch juſtice or chief magiſtrate; and to be diſpoſed of, one moiety to the uſe of the informer, and the other moiety to the uſe of the poor of the pariſh where ſuch offence is committed; and in caſe ſuch offender have not ſufficient goods whereon to levy the penalty, it ſhall be lawful for ſuch juſtice, &c. to commit ſuch offender to the houſe of correction for the county or place, to be kept to hard labour for one month.

VIII. *Sect.* 8. Juſtices, mayors, or other chief magiſtrates before whom any perſon is convicted of profane ſwearing or curſing, ſhall cauſe the conviction to be drawn up in the form following.

Middleſex } *BE it remembered, that on the day of in*
To wit. } *the year of his Majeſty's reign,* A. B. *was convicted before me* (*one of his Majeſty's juſtices of the peace for the county*, riding, diviſion or liberty *aforeſaid*) or *before me* (*mayor, juſtice, bailiff*, or other *chief magiſtrate of the city* or *town of within the county of* as the caſe ſhall be) *of ſwearing one or more profane oath or oaths, or of curſing one or more profane curſe or curſes* (as the caſe ſhall be)

Given under my hand and ſeal, the day and year aforeſaid.

Which form and conviction ſhall not be removed by *certiorari* into the *King's Bench*, but ſhall be final; and the ſaid juſtice, mayor or other chief magiſtrate, before whom ſuch conviction is made, ſhall cauſe the ſame to be wrote upon parchment, and returned to the next general or quarter ſeſſions of the peace for the county wherein ſuch conviction was made, to be filed by the clerk of the peace, and be kept amongſt the records of the ſaid county.

IX. *Sect.* 9. All juſtices of peace, and every mayor or other chief magiſtrate of any town corporate, ſhall put this act in execution within their ſeveral juriſdictions, although ſuch juſtice or magiſtrate be rated and pay to the relief of the poor of any pariſh or place where any offence is committed.

X. *Sect.* 10. All penalties inflicted by this act, for profane curſing and ſwearing, ſhall be diſpoſed of for the benefit of the poor of the pariſh wherein ſuch offence was

committed; and all charges of information and conviction ſhall be paid by the party offending, if able, over and above the penalties, which charges ſhall be aſcertained by the juſtice of peace, mayor or other magiſtrate, before whom ſuch conviction is made: and in caſe ſuch party be not able, or not immediately pay the ſaid charges, or give ſecurity for the ſame, it ſhall be lawful for the juſtice, *&c.* to commit ſuch offender to the houſe of correction, to be kept to hard labour for ſix days, over and above ſuch time for which ſuch offender may be committed in default of payment of the penalties; and in ſuch caſe no charges of information and conviction ſhall be paid by any perſon.

XI. *Sect.* 11. If any action be commenced againſt any juſtice, conſtable, or other perſon, for doing any thing in purſuance of this act, concerning the ſaid offences, the defendant may plead the general iſſue; and if verdict be given for the defendant, *&c.* the defendant ſhall have treble coſts.

XII. *Sect.* 12. No perſon ſhall be proſecuted or troubled for any offence againſt this ſtatute, unleſs the ſame be proved or proſecuted within eight days after the offence committed.

XIII. *Sect.* 13. This act ſhall be publicly read four times in the year, in all pariſh churches and public chapels, by the parſon, vicar, or curate, immediately after morning or evening prayer, on four *Sundays*, *viz.* the *Sunday* next after the 25th of *March*, 24th of *June*, 29th of *September*, and 25th of *December*; or in caſe divine ſervice be not performed in any ſuch church or chapel on any of the *Sundays* before-mentioned, then upon the firſt *Sunday* after any of the ſaid quarterly days on which divine ſervice is performed; under pain of forfeiting 5 *l.* for every neglect; to be levied by diſtreſs and ſale of the offender's goods, by warrant of any juſtice or other chief magiſtrate.

XIV. *Sect.* 14. The clerk of the juſtice, mayor, bailiff or other chief officer, before whom proceedings upon this act ſhall be had, may take for the information, ſummons, and conviction of every offender, 1 *s.* and no more.

XV. *Sect.* 15. The 21 *Jac.* 1. *cap.* 20. and the 6 & 7 *Will.* 3. *cap.* 11. ſhall be repealed.

See Plays.

Sweets.

X. **Stat.** 10 *Geo.* 2. *cap.* 17. *ſect.* 10. Nothing in this act ſhall enable any perſon to ſell ſuch made wines to be drunk in his houſe, unleſs he be firſt licenſed by two juſtices of peace of the county, *&c.* wherein he ſells the ſame; for which licence 2 *s.* 6 *d.* ſhall be paid to the clerks of ſuch juſtices, and no fee to the clerk of the peace for entring the ſame or on any other account; on pain of 5 *l.* in caſe any of the ſaid juſtices clerks or any clerk of the peace aſk or receive any other fee; and if the licence is not provided by the ſaid juſtices clerks, no fee ſhall be due.

XI. *Sect.* 11. No licence ſhall be granted for ſelling by retale any made wines, except to ſuch perſons only who keep public victualling-houſes, inns, coffee-houſes, or ale-houſes: and if ſuch licences be granted, the ſame are void.

XII. **Stat.** 31 *Geo.* 2. *cap.* 31. *ſect.* 7. No perſon, unleſs authorized by having taken out ſuch licence as by 30 *Geo.* 2. *cap.* 19. *ſect.* 1. **Stamps**, is preſcribed, ſubject to the payment of ſuch duties as are therein charged upon ſuch licences to ſell wine by retail, ſhall ſell or utter by any retail meaſure or in bottles, in any quantity leſs than 25 gallons, any kind of liquor made in *Great Britain*, by infuſion, fermentation or otherwiſe, from foreign fruit or ſugar, or from *Britiſh* fruit or ſugar, or from fruit or ſugar mixed with any other ingredients called *Sweets*, or *Made Wines*; or any kind of liquor made in *Great Britain* and known by the name of *Sweets* or *Made Wines*, of whatſoever materials or in whatſoever manner the ſame be made; upon pain to forfeit for every ſuch offence 100 *l.* to be recovered and applied as the penalties for ſelling wine by retail without licence, are by the ſaid act to be recovered and applied.

Tallow.

I. **Stat.** 32 *Geo.* 2. *cap.* 12. *ſect.* 1. No duty ſhall be taken upon any tallow unmanufactured into candles or ſoap, imported into this kingdom from *Ireland*; but all ſuch tallow ſhall be imported duty-free for five years from the 1st of *May* 1759, or at any time thereafter before the end of the then next ſeſſion of parliament.

II. *Sect.* 2. A due entry ſhall be made of all ſuch tallow at the cuſtom-houſe belonging to the port into which the ſame is imported, in ſuch manner, and expreſſing the quantities of ſuch tallow, as were uſed before this act; and ſuch tallow ſhall be landed in the preſence of the proper officer of the cuſtoms; and if any perſon upon the importation of any tallow from *Ireland* obſerve not the ſaid directions, he ſhall pay the ſame duties as ſuch tallow would have been liable to if this act had not been made.

III. *Sect.* 3. If any action be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts.

IV. **Stat.** 1 *Geo.* 3. *cap.* 10. The 32 *Geo.* 2. *cap.* 12. ſhall extend to hog's-lard and greaſe. *Continued to* 1 May 1769, &c. *by* 4 Geo. 3. cap. 6.

Taxes.

CXLIII. **Stat.** 31 *Geo.* 2. *cap.* 22. *ſect.* 1. There ſhall be yearly paid unto his Majeſty 1 *s.* over and above all other duties, for every 20*s.* of the yearly value of all ſalaries, fees and perquiſites, incident unto or received for all offices and employments of profit in *Great Britain*; and 1*s.* for every 20*s.* of all penſions and other gratuities payable out of any revenue belonging to his Majeſty in *Great Britain*, exceeding the value of 100 *l. per ann.*

CXLIV. *Sect.* 2. A deduction ſhall be made of the ſaid ſum of 1*s.* out of every 20*s.* payable for the ſalary or fees of any offices payable by the crown in *Great Britain* which exceed 100*l. per ann.* and for any penſion or gratuity payable out of any revenue belonging to his Majeſty in *Great Britain* exceeding 100*l. per annum*, and the money ſo deducted by the officers of the exchequer in *England* ſhall remain there for the purpoſes herein after declared; and the money ſo deducted by any officer of the dutchies of *Lancaſter* and *Cornwall*, or by any other perſons by whom the ſaid ſalaries and penſions are payable in *England*, ſhall be by them paid into the receipt of the exchequer at *Weſtminſter*; and the money ſo deducted by any officers of the exchequer in *Scotland*, or by any other perſons by whom the ſaid ſalaries, *&c.* are payable in *Scotland*, ſhall be paid at *Edinburgh*, to ſuch perſons as the commiſſioners of the treaſury appoint to be receiver-general or receivers thereof for his Majeſty's uſe, who ſhall pay the ſame into the receipt of the exchequer at *Weſtminſter*: and the officers of the exchequer are to keep diſtinct accounts of all ſums by them retained or received for the ſaid duty. *See* 32 Geo. 2. cap. 33. ſect. 1, & 2.

CXLV. *Sect.* 3. Such part of the ſums hereby granted, as are payable for the profits of any office in *England*, *Wales* and *Berwick*, which ariſe from perquiſites, ſhall be computed and paid according to the annual value at which ſuch profits ſtand valued in the laſt aſſeſſment to the land tax. *See* 32 Geo. 2. cap. 33. ſect. 5.

CXLVI. *Sect.* 4. Provided that ſuch profits ariſing from ſuch perquiſites be deemed to have been valued in ſuch laſt aſſeſſment to the land-tax at ſo much only as the entire ſum at which ſuch office was valued in the ſaid aſſeſſment, exceeds the amount of the ſalary, wages or fees payable in reſpect of the ſame office.

CXLVII. *Sect.* 5. The commiſſioners of the land-tax for the time being, within *England*, *Wales* and *Berwick*, ſhall be commiſſioners for putting ſo much of this act in execution, as relates to the duty upon the perquiſites of offices in *England*, &c.

CXLVIII. *Sect.* 6. The commiſſioners ſhall meet at the uſual places within each of the counties, *&c.* yearly on or before the 3d of *July*, and afterwards as often as neceſſary; and ſo many of them as be preſent ſhall, if they ſee cauſe, ſubdivide themſelves and

and the other commiſſioners not preſent, ſo as three or more may be appointed for the ſervice of each hundred or diviſion; nevertheleſs, not thereby to reſtrain any of them from acting as commiſſioners in any other part of the county or place for which they are appointed: and the ſaid commiſſioners within the ſeveral hundreds, *&c.* or two of them, are at ſuch general meeting, or within eight days after, to ſet down in writing the amount of the ſaid duty, to be paid by all commiſſioners or other officers, their clerks, agents, ſecondaries, ſubſtitutes, and other inferior miniſters and perſons, having or exerciſing any of the ſaid offices or employments, the ſalary, wages, fees and perquiſites whereof exceed 100*l. per annum*, within their reſpective hundreds, *&c.* in proportion to the annual value at which the profits of ſuch offices ſtand valued in the laſt aſſeſſment to the land-tax: and the ſaid commiſſioners, or three of them, are within the time above limited, to ſign and ſeal two duplicates of the ſaid rates made by them, and one of them to deliver to the collectors of the land-tax, or to other two reſponſible perſons, to be collectors of this duty for each pariſh or place, with warrant to collect the ſums contained in ſuch rates, ſo as the ſame may be paid to the receiver-general at the times herein limited. And if any perſon think himſelf aggrieved by being over-rated, it ſhall be lawful for ſuch perſon to appeal to the barons of the exchequer: and the barons of the ſaid court, or one of them, ſhall determine all ſuch appeals on or before the laſt day of *Michaelmas* term yearly. And the ſaid collectors are upon the application of any perſon who thinks himſelf over-rated, to permit ſuch perſon or their ſtewards or bailiffs, or other repreſentatives, to inſpect the duplicates of ſuch rates upon the diſtrict of which he is collector, at all ſeaſonable times without fee. And every perſon ſo intending to appeal ſhall give notice thereof in writing, to one or more of the collectors of the pariſh wherein he is rated. And all appeals once determined by the ſaid barons, or any of them, ſhall be final. And the commiſſioners are to deliver a ſchedule in parchment under their hands and ſeals, containing the whole ſum rated within each pariſh, *&c.* unto the receiver general of each county, *&c.* or his deputy; and ſhall tranſmit a like ſchedule into the King's remembrancer's office of the exchequer; and this the commiſſioners ſhall cauſe to be done, upon or before the 1st day of *Hilary Term*, or within 20 days after (all appeals being firſt determined) for which duplicates the remembrancer, or his deputy, ſhall give to the perſon who brings the ſame a receipt *gratis*.

CXLIX. *Sect.* 7. The ſaid duty upon offices within *England*, &c. ſhall (ſave as is herein otherwiſe provided) be raiſed and paid into the exchequer for the purpoſe in this act expreſſed, in like manner, with ſuch allowances, and under ſuch penalties, as are preſcribed for raiſing and paying the land-tax.

CL. *Sect.* 8. This act ſhall not charge the princeſs dowager of *Wales* with the abovementioned duty for any ſums granted by his Majeſty, or the officers or ſervants attending her perſon.

CLI. *Sect.* 9. This act ſhall not charge the duke of *Cumberland*, or the princeſs royal, or the princeſs *Amelia*, or the officers or ſervants attending their perſons, for any annuities granted or to be granted by his Majeſty to their ſaid royal highneſſes, and their ſervants for the time being.

CLII. *Sect.* 10. The perquiſites of any officers ſhall pay and be rated in ſuch county diviſion or place of allotment, in which the ſame were laſt aſſeſſed.

CLIII. *Sect.* 11. The firſt half-yearly payment of the aſſeſſments for *England*, &c. ſhall be paid unto the receivers general of the ſeveral counties, *&c.* on or before the 10th of *October* yearly; and the laſt half-yearly payment on or before the 5th of *April* yearly.

CLIV. *Sect.* 12. Every receiver general in *England*, &c. within one month after he has received the full ſum charged within any diviſion for ſuch payment, ſhall give to ſuch commiſſioners as act in ſuch diviſion, a receipt under his hand and ſeal, which ſhall be a diſcharge to each diviſion: which receivers general are within 20 days after the receipt of any money of the duties by this act granted, to tranſmit the money into the receipt of the exchequer.

CLV. *Sect.* 13. If any collector in *England*, &c. keep in his hands any money by him collected longer than is by this act directed (other than the allowance made to him) or pay any part thereof to any perſon other than the receiver general of ſuch county or place, or his deputy, every ſuch collector ſhall forfeit 40*l.* and in caſe any receiver-general of any part of *England*, &c. or his deputy, pay any part of the monies paid to him

by

by any collector, to any perſon other than into the receipt of the exchequer, and within the times limited by this act; or pay any part of the ſaid monies by any warrant of the treaſury, or under-treaſurer, or upon any tally of pro, or tally of anticipation, or other way or device, whereby to divert the payment thereof into the receipt of the exchequer, every ſuch receiver general ſhall for every ſuch offence of himſelf or his deputy, forfeit 500*l.* to him that ſhall ſue in any court of record, by bill *&c.* wherein no eſſoin *&c.* is to be allowed.

CLVI. *Sect.* 14. The commiſſioners of the ſupply for the time being, for putting in execution any act for raiſing the ceſs or land tax, within the ſeveral ſhires of *Scotland*, or ſuch of them who have qualified or ſhall qualify themſelves according to the laws of *Scotland*, ſhall be commiſſioners for ordering and levying the duty hereby granted on the perquiſites of offices and employments exerciſed within the ſame ſhires or any boroughs within the ſame; and ſhall put in execution this act within the ſame ſhires and boroughs reſpectively; and have hereby power to chuſe their own clerk, and to do every thing concerning the ſaid ſupply, as is preſcribed by the ceſs act of the 6th of *November* 1706, and other acts of any former parliament of *Scotland*, to which the ſaid act of the 6th of *November* 1706, doth relate.

CLVII. *Sect.* 15. Execution ſhall be done in *Scotland* for bringing the ſaid duty to be raiſed there, as is provided by the ſame acts in all points not altered by this act; and the firſt meeting of the commiſſioners for ſhires in *Scotland*, ſhall be at the reſpective head burghs, the ſecond *Monday* in *July* in every year; and the ſheriffs, or their deputies, ſhall intimate the ſame to the commiſſioners of their ſhires, with power to the commiſſioners to appoint the ſubſequent diets of their meetings and their conveners; and alſo to appoint collectors with ſuch caution as they think fit.

CLVIII. *Sect.* 16. All clauſes in former acts of parliament of *Scotland*, and convention of eſtates there, in relation to the bringing in of the ceſs, and quartering, and touching riding money, ſhall ſtand in force, as to the ſupply now impoſed upon *Scotland*.

CLIX. *Sect.* 17. The clerk of the ſheriff's court in each ſhire in *Scotland*, ſhall yearly on or before the 10th of *June*, deliver to the commiſſioners of ſupply for ſuch ſhire, a liſt of all offices of profit exerciſed in ſuch ſhire and in every burgh within the ſame; and ſhall within the time aforeſaid deliver a duplicate of ſuch liſt to the deputy remembrancer of the exchequer in *Scotland*; and in caſe any clerk of the ſheriff's court neglect to deliver ſuch liſt or the duplicate thereof, within the time before mentioned, or wilfully omit out of ſuch liſts or duplicate any office that ought to have been inſerted, he ſhall forfeit 50 *l.* ſterling.

CLX. *Sect.* 18. The commiſſioners in their reſpective ſhires, ſhall yearly on or before the 10th of *July*, ſet down in a rate prepared by them, the annual value of every office exerciſed in ſuch ſhire, and in every burgh within the ſame; and therein rate the ſaid ſum of 1 *s.* for every 20 *s.* of the annual value on the officers and perſons who execute any ſuch office, the ſalary and perquiſites whereof exceed 100 *l. per annum*; and in caſe the ſaid commiſſioners of ſupply for any ſhire in *Scotland* neglect to make ſuch rate within the time limited, the ſheriff depute of the county ſhall on or before the 25th of *July* yearly make ſuch rate; and a note of the ſaid reſpective rates ſhall within ſix days after the perfecting thereof be lodged by the clerk of the commiſſioners or the ſaid ſheriff depute reſpectively, in the hands of the collector of the ceſs or land tax for each county and burgh within *Scotland*, who ſhall be collector thereof; and every ſuch collector and his cautioners, or ſecurity, ſhall be bound *ipſo facto* by virtue of this act, for the due performance by ſuch collector, of all parts of the duty hereby committed to him in reſpect of the ſaid rates, and that under the penalty of 100 *l.* ſterling; and every ſuch collector of the ceſs ſhall be intitled to an allowance from the receiver general of 3 *d. per* pound of the money by him paid to ſuch receiver general; and the perſons ſo rated with the ſaid duty on their offices, ſhall pay in the duty on or before the 10th of *October* yearly, for the half year betwixt *Whitſunday* and *Martinmas*, and on or before the 5th of *April* yearly, for the half year betwixt *Martinmas* and *Whitſunday*, to the collector of the ceſs perſonally or at his office for receiving the land tax; unleſs ſuch perſon enter an appeal againſt the aſſeſſment, in which caſe ſuch appeal ſhall be diſcuſſed before payment; and in caſe of appeal, ſuch payment ſhall be made within ten days after diſcuſſing or diſmiſſing ſuch appeal: and every perſon ſo rated ſhall, in caſe

of his not paying in the duties to the collector of the ceſs, upon the day upon which he is to pay the ſame or within three days after, forfeit treble the value.

CLXI. *Sect.* 19. It ſhall be in the power of the perſons aſſeſſed, in caſe they conceive themſelves injured by the aſſeſſment; or of the collectors or any other officer of the crown, if he judges the crown to be leaſed by the aſſeſſment; to appeal to the barons of the exchequer in *Scotland*, who are to determine finally all ſuch appeals on or before the laſt day of term of *Martinmas* yearly; and every ſuch appellant ſhall, within ten days after the note in writing of his charge being delivered to him or left at his houſe by the collector by himſelf, or ſome other perſon on his behalf, deliver to the collector of the ceſs at his office a note of the grievance, whereof he ſeeks redreſs by appeal; and ſuch collector is to make an entry of all ſuch notices,

CLXII. *Sect.* 20. In caſe the party giving ſuch notice of appeal neglect to inſiſt thereon before the ſaid barons within the time before limited, then ſuch appeal ſhall be held to be fallen from, and the aſſeſſment ſhall ſtand in force; and in all caſes of appeals fallen from, or upon hearing whereof the barons vary not the rate, the barons ſhall order the appellant to pay to the collector any ſum not exceeding 20 *s.* ſterling for coſts.

CLXIII. *Sect.* 21. Every perſon aſſeſſed for any office in *Scotland*, ſhall be rated and pay in the ſhire where the ſame is exerciſed, although the profits ariſing by ſuch office are payable elſewhere.

CLXIV. *Sect.* 22. The money impoſed on offices in *Scotland*, ſhall be raiſed in *Scotland* in the reſpective ſhires, ſtewartries, cities, and boroughs, free of all charges to his Majeſty, ſave as is herein before mentioned; and ſhall be paid at *Edinburgh*, to ſuch perſons as the commiſſioners of the treaſury appoint to be receiver general or receivers thereof, for his Majeſty's uſe; which receivers ſhall be accountable for the ſame in the exchequer.

CLXV. *Sect.* 23. Where any perſon ſhall have two or more offices in *Great Britain*, the ſalary and perquiſites whereof together exceed 100 *l.* a year, ſuch perſon ſhall be rated and pay the ſaid ſum of 1 *s.* in the pound for the profits of ſuch offices.

CLXVI. *Sect.* 24. Nothing in this act ſhall extend to the pay of commiſſion or non-commiſſion officers or private men ſerving in the navy or army.

CLXVII. *Sect.* 25. No commiſſioner of the land tax in *England*, &c. or commiſſioner of the ſupply in *Scotland*, poſſeſſed of any office ſubject to the duty hereby impoſed, ſhall act in rating his own office, but ſhall withdraw until the rating thereof be ſettled by the reſt of the commiſſioners preſent; and in default thereof the reſt of the commiſſioners preſent ſhall impoſe ſuch fine as to them is thought fit, upon ſuch commiſſioner ſo refuſing to withdraw, or acting in his own cauſe, not exceeding 100 *l.* ſterling; and cauſe the ſame to be levied as other fines impoſed by this act are to be levied in *England* and *Scotland* reſpectively.

CLXVIII. *Sect.* 26. Where any fees ſalaries or other profits on any offices charged by this act, are payable at the receipt of the exchequer, or by the cofferer of his Majeſty's houſhold, or out of any other public office, or by any of his Majeſty's receivers or paymaſters in *Great Britain*, the duty charged in reſpect of ſuch offices, ſhall (in caſe of nonpayment) be ſtopped out of the ſame, or out of any money paid upon ſuch ſalaries or profits or for arrears thereof, and be applied to the ſatisfaction of the duties not otherwiſe paid; and the proper officers in the exchequer and other public offices, ſhall keep accounts of all monies ſtopped, and upon requeſt give copies of ſuch accounts to the collectors for the reſpective pariſhes where the ſaid monies are rated by this act.

CLXIX. *Sect.* 27. Where any office chargeable by this act is executed by deputy, ſuch deputy ſhall pay the aſſeſſment charged thereon, and deduct the ſame out of the profits of ſuch office. And in caſe of nonpayment ſuch deputy ſhall be liable to ſuch diſtreſs as by this act is preſcribed againſt any perſon having any office of profit, and to all other remedies and penalties.

CLXX. *Sect.* 28. There ſhall be kept in the exchequer, *viz.* in the office of the auditor of the receipt, one book of regiſter, in which all the money paid into the exchequer for the duties on offices and penſions hereby granted, ſhall be entered diſtinct from all other monies.

CLXXI. *Sect.*

CLXXI. *Sect.* 29. All penalties, triple values and forfeitures, incurred by this act in *Scotland*, ſhall be recovered at the ſuit of the reſpective collectors by diſtraining or poynding, according to the law of *Scotland*, upon warrants granted and ſubſcribed by any two commiſſioners for ſupply, or by the ſheriff, or deputy ſheriff, of the county from whom ſuch warrants are required, and they are reſpectively to grant the ſame under the penalty of 10 *l.* ſterling *toties quoties*, upon certificate made to them, or either of them, by the collector of the ceſs, that ſuch penalties are incurred, and ſuch duties not paid; which warrants ſhall be executed by the conſtables or ſheriff officers of the county; and the goods poynded ſhall be valued by any two perſons appointed by the ſheriff officer or conſtable, which two perſons ſhall be obliged to value the ſame, under the penalty of 40 *s.* ſterling for each neglect; which valuation ſhall be made upon the ground or at the houſe where the ſame were poynded; and ſhall be ſold at the value by the officer or conſtable who does poynd; and the value to be applied, in the firſt place to the ſatisfaction of the duty triple value or penalty; and, in the ſecond place to the payment for the trouble of the officer or conſtable ſo poynding at the rate of 2 *s. per* pound of the forfeitures for which the goods be poynded; unleſs the owner redeem the ſame by payment of the appraiſed value within four days after the poynding and valuation to the officer who poynded the ſame; and in caſe any ſurplus remain, ſuch ſurplus ſhall be returned to the owner; and in caſe no purchaſer appear at the ſale, the ſaid goods ſo poynded ſhall be conſigned and lodged in the hands of the ſheriff depute of the county or his ſubſtitute; and if not redeemed by the owner within four days after the conſignment, the ſame ſhall be rouped and ſold by order of the ſheriff, at ſuch time and place as he appoints; he always being liable to the payment of the triple value of the penalty incurred to the collector of the ceſs and to the officer or conſtable who poynded the ſame for their trouble, in caſe the value of the goods ſo ſold amount to the extent of the penalties incurred and to the fees due to the officer or conſtable, and ſhall be in the third place intitled to 1 *s. per* pound of the value for his own trouble, after allowance of the penalties and of what is to be paid to the officer or conſtable ſo poynding, the expence of preſerving the goods or cattle ſo poynded during the four days allowed to the owner to redeem them, and the expence of the ſale; and the expence ſhall be allowed to the ſheriff for preſerving the goods or cattle diſtrained during the four days that the owner is allowed to redeem after conſignment in his hands, as alſo the expence of the ſale.

CLXXII. *Sect.* 30. The officer or conſtable who diſpoſes of ſuch goods or cattle ſo poynded and ſold, ſhall pay in the ſums ariſing from the ſale, in ſo far as extends to the penalties for which the ſame were poynded, within ten days after the receipt of the price, allowing what is above allowed for his own expence; and if the goods or cattle diſtrained be diſpoſed of by the ſheriff, he ſhall within four days after receipt of the price, pay in the ſame to the collector of the ceſs, after deduction of what is to be paid to the officer or conſtable who made the poynding, and of what is allowed to be retained by him, and ſhall remain liable to the collector of the ceſs until payment, and ſubject to be poynded and diſtrained therefore, in the ſame manner as is above provided with regard to any perſon liable to penalties in virtue of this act.

CLXXIII. *Sect. ult.* Perſons ſued for any thing done in purſuance of this act, may plead the general iſſue; and if a verdict paſs for the defendant, *&c.* he ſhall have treble coſts.

CLXXIV. **Stat.** 32 *Geo.* 2. *cap.* 33. *ſect.* 1. All ſums which on the fifth of *July* 1759. and afterwards ſhall become due, and be deducted by virtue of 31 *Geo.* 2. *cap.* 22. in reſpect of the ſalaries or fees of any offices payable by the crown in *England*, *&c.* and in reſpect of any penſion payable out of any revenue belonging to his Majeſty in *England*, *&c.* ſhall by the perſons deducting the ſame, be paid into the hands of receivers appointed by his Majeſty; and it ſhall be lawful for ſuch receivers to retain out of the monies ſo paid into their hands ſuch ſum as a reward for their trouble as his Majeſty ſhall appoint, not exceeding 3 *d.* in the pound; and the ſaid receivers ſhall give ſecurity for their good behaviour, by bond in ſuch penalty and with ſuch ſureties as the commiſſioners of the treaſury think fit; and the payments

of the ſums ſo deducted ſhall be made to ſuch receivers, in the courſe of the quarter wherein they be deducted; and ſuch receivers ſhall within the next enſuing quarter pay the ſame into the receipt of exchequer at *Weſtminſter*: And the perſons making the deductions are required, at the requeſt of ſuch receivers, to deliver to them an account of all the ſalaries and penſions by the ſaid perſons payable, and of the names of the perſons intitled to the ſame; of which accounts the receivers are to enter copies in books to be by them kept.

CLXXV. *Sect.* 2. All ſums deducted under the ſaid act in *England*, *&c.* for the duties payable for the ſalaries of any office, or for any penſion, ſhall be accounted for to ſuch receivers as ſhall be in purſuance of this act appointed by his Majeſty; and the accounts ſhall be audited and paſſed by ſuch receivers, or one of them, and not by the auditors of the impreſts, or the auditors of the exchequer.

CLXXVI. *Sect.* 3. If any diſpute ariſe whether the fees or ſalary of any office, or whether any penſion be chargeable, or touching the ſum to be deducted, ſuch diſputes ſhall be heard by the barons of the exchequer in *England*, or in *Scotland* reſpectively; and ſuch hearing is to be given on the complaint in writing before the barons, either by the party who thinks himſelf aggrieved, or by the receiver.

CLXXVII. *Sect.* 4. The complainant ſhall give a copy of his complaint to the perſon againſt whom the ſame is made, within ten days after the ſame is lodged with the barons; and the barons in *England* and *Scotland* reſpectively ſhall determine ſuch diſputes in a ſummary way, and their determination ſhall be binding without further appeal.

CLXXVIII. *Sect.* 5. The commiſſioners of the land tax for the time being ſhall aſcertain, according to their judgement, the amount of the perquiſites ariſing from every office within their reſpective diſtricts, diſtinct from the ſalary fees and wages, independently of any former valuation; and ſhall aſſeſs all ſuch offices whereof the perquiſites exceed 100 *l.* a year, at 1 *s.* for every 20 *s.* ariſing by the ſaid offices.

CLXXIX. *Sect.* 6. The receivers ſhall tranſmit to the commiſſioners of the land tax in every diſtrict where any office is to be aſſeſſed, an account of all ſuch offices whereof the fees and ſalaries do not exceed 100 *l.* a year; and if the ſaid commiſſioners find the perquiſites ariſing from the ſaid office with the ſalary, *&c.* as certified by ſuch receivers, to exceed together 100 *l.* a year, then they are to aſſeſs ſuch office, and to cauſe the duty to be levied thereon.

CLXXX. *Sect.* 7. In all future aſſeſſments to the land tax, the ſaid offices ſhall not be aſſeſſed at any higher rates than thoſe whereat the ſame were aſſeſſed in the 31ſt year of his preſent Majeſty's reign.

CLXXXI. *Sect.* 8. The word *perquiſites* in the 31 *Geo.* 2. *cap.* 22. and in this act, ſhall for the purpoſes of the ſaid act, and of this act, be taken for ſuch profits of offices and employments in *Great Britain*, as ariſe from fees eſtabliſhed by cuſtom or authority, and payable either by the crown or the ſubjects in conſideration of buſineſs done in the courſe of executing ſuch offices.

CLXXXII. *Sect.* 9. Whereas in 31 *Geo.* 2. *cap.* 22. *ſect.* 25. it is provided, that no commiſſioner of the land tax in *England*, *&c.* or of ſupply in *Scotland*, poſſeſſed of any office ſubject to the duty ſhall act in rating his own office: nothing in this or in the ſaid act ſhall extend to any ſuch commiſſioner, for making or ſigning any aſſeſſment in purſuance of the ſaid act or of this act, provided ſuch commiſſioner withdraw until the rating of his own office ſhall be ſettled.

CLXXXIII. *Sect.* 10. The duty of 1 *s.* in the pound charged by the ſaid act upon penſions ſhall not be charged on, or payable out of, ſuch penſions or gratuities which his Majeſty ſhall be pleaſed to declare in the inſtrument directing payment thereof to be intended as charitable donations.

CLXXXIV. *Sect.* 11. Nothing in the ſaid act ſhall extend to the charging the ſaid duty upon any military officers ſerving on the ſtaff, or belonging to any of his Majeſty's garriſons, regiments, troops, companies, the royal hoſpital of *Chelſea*, or the hoſpitals of the army.

CLXXXV. *Sect.* 12. The ſaid act, or this act, ſhall not charge any penſion or ſum iſſuing out of, or charged upon, any revenues belonging to his Majeſty in *Great Britain*, that have been by his Majeſty's royal predeceſſors, or by act of parliament granted

in

in fee or fee-tail, or till redeemed by payment of any ſum of money mentioned in any grant or act of parliament.

CLXXXVI. *Sect.* 13. Nothing in this act ſhall charge any offices in either of the two univerſities in *England.*

Tobacco.

LIX. **Stat.** 21 *Geo.* 2. *cap.* 2. *ſect.* 5. The importers of tobacco ſhall upon paying the ſubſidy hereby granted [*ſee* **Cuſtoms.**] have the ſame allowance, as they are intitled to by any law upon tobacco imported. But if the ſaid ſubſidy be not paid down, the importers ſhall become bound to his Majeſty with ſureties to be approved of by the collector of the port where the tobacco is imported, with the conſent of the comptroller, in one or more bonds at the election of the importer, for the payment of the ſaid ſubſidy within 18 months, to commence at the end of 30 days after the maſter's report of the ſhip, or from the merchant's entry of the goods within thoſe 30 days, which ſhall firſt happen. *A drawback of this ſubſidy is allowed upon exportation within three years by ſect.* 6. *which ſee in* **Cuſtoms.** *There is the ſame allowance on paying the ſubſidy granted by* 32 *Geo.* 2. *cap.* 10. *which ſee in* **Cuſtoms.**

LX. **Stat.** 24 *Geo.* 2. *cap.* 41. *ſect.* 1. When any ſhip takes in tobacco at any port in the plantations in *America* to convey the ſame to *Great Britain*, the collector or comptroller, or other chief officer, or any two of them, employed in the cuſtoms at ſuch port, ſhall at the clearing of ſuch ſhip deliver to the maſter a manifeſt, under their hands and ſeals of office, containing an account of all the tobacco loaden on board ſuch veſſel, with the number of hogſheads and other packages containing the ſame, and the quantity in each, with the marks and numbers ſet on each, with the tare of each; and alſo ſhall immediately tranſmit a duplicate of ſuch manifeſt to the reſpective commiſſioners of the cuſtoms in *Great Britain:* and any ſuch officer of the cuſtoms who neglects to deliver ſuch manifeſt, or to tranſmit a duplicate thereof, ſhall forfeit 200 *l.* to be recovered in any court of record at *Weſtminſter*, or in the court of admiralty in the plantations where ſuch offence is committed.

LXI. *Sect.* 2. Every maſter or perſon taking charge of any veſſel having tobacco as aforeſaid, ſhall upon his arrival at his port of diſcharge in *Great Britain*, and at the time that he makes his report of his ſhip at the cuſtom-houſe, deliver to the collector of the cuſtoms at the ſaid port (who is to deliver the ſame to the land-waiters appointed for the delivery of ſuch ſhip) the ſaid manifeſt of the lading of his ſhip; and if any maſter, *&c.* neglect to deliver ſuch manifeſt, he ſhall forfeit 100 *l.*

LXII. *Sect.* 3. The land-waiters appointed for the delivery of every ſhip arriving in *Great Britain* from the plantations in *America*, having tobacco on board, ſhall not ſuffer any part of the tobacco to be landed, until they have from the manifeſt delivered to them by the collector, entred into their reſpective books the ſaid manifeſts, marks, numbers, weights, tares, and contents of the ſeveral packages; under the penalty of 50 *l.* And the ſaid land-waiters are upon the landing of any ſuch tobacco, to cauſe ſuch landing mark to be fixed upon every hogſhead or other package, as ſhall be directed by the commiſſioners of the cuſtoms; and are to enter every ſuch landing mark in their books; on pain of forfeiting 50 *l.*

LXIII. *Sect.* 4. No debentur ſhall be made for any tobacco imported into *Great Britain*, or any drawback be allowed for the ſame when exported, unleſs the ſame be exported from the ſame port at which it was at firſt imported, and unleſs the ſame tobacco if unmanufactured be exported in the original package, with the ſame marks with which it was at firſt imported, without any alteration in the package (except by neceſſary cooperage for repair of the package) or any other tobacco being put therein, or any part of the tobacco taken out of the package, except only ten pounds weight to be taken out of each hogſhead, *&c.* after the ſame is weighed at the importation, as is now the practice; and if any perſon enter any tobacco for exportation, at any other port than that at which the ſame tobacco was imported, or in any other package than the ſame in which the ſame unmanufactured tobacco was originally imported, or

without the ſame marks, all ſuch tobacco ſhall be forfeited, and no drawback thereupon ſhall be paid, or if any be paid the ſame ſhall be repaid, and the perſon who cauſed the ſame to be entred ſhall forfeit 200 *l.* and whoever knowingly exports any hogſhead, *&c.* of tobacco, out of which more than ten pounds weight has been taken for ſamples, he ſhall forfeit 20 *l.* for every ſuch hogſhead, *&c.* ſo exported.

LXIV. *Sect.* 5. When any unmanufactured tobacco is imported in hogſheads or caſks from any of the plantations in *America*, if it appear that the tobacco is ſo much damaged, that by cutting off the damaged part thereof (for which no duty is paid) the ſound tobacco remaining in any of ſuch hogſheads (for which duty is to be paid) is under the weight of 450 pounds, then it ſhall be lawful for the importer in the preſence of the land-waiters appointed to deliver the ſhip, to cauſe all ſuch ſound tobacco to be put together into one or more of the ſame hogſheads out of which the damaged tobacco was taken; and the ſaid land-waiters or other officers are to enter into their books, the weight of all ſuch ſound tobacco put into each hogſhead, with the marks ſet on every ſuch hogſhead, and alſo to ſpecify in their books, that ſuch hogſheads were packed and re-filled in their preſence; and all ſuch hogſheads of unmanufactured tobacco may be exported from the ſame ports at which they were originally imported; and debenturs ſhall be made out, and the drawback be paid for the tobacco therein contained, provided the tobacco in each ſuch hogſhead amounts to 425 pounds weight, or more; in the ſame manner as if the package had not been altered.

LXV. *Sect.* 6. All perſons who enter any unmanufactured tobacco outwards at any port in *Great Britain* in order to be exported, ſhall before the ſame is laden on board endorſe upon the cocquet and bill (to be delivered to the ſearcher appointed to examine tobacco ſhipped for exportation) in a diſtinct legible manner the plantation or manifeſt mark or number, which was upon each hogſhead, *&c.* when firſt imported, and alſo the landing mark and number ſet upon each hogſhead when firſt landed in *Great Britain*, together with the weight that each hogſhead with the tobacco therein was of at the time of its being landed; and alſo the mark and number ſet upon each hogſhead by the exporter at the time of exportation, together with the then weight; and the ſearcher ſhall not admit any cocquet unleſs marked as aforeſaid; and every exporter ſhall write off the weight of each hogſhead of unmanufactured tobacco by him exported, from the entry made when it was firſt imported; and if any perſon entring for exportation any unmanufactured tobacco neglect to endorſe the cocquet and bill for the ſaid tobacco delivered to the ſearchers, or to write off the weight of each hogſhead exported from the entry made when the ſame was firſt imported, agreeable to the directions before given, he ſhall forfeit 5 *l.* for every hogſhead or other package of ſuch unmanufactured tobacco, for every ſuch offence, to be recovered in manner herein after directed; and no drawback or debentur for the exportation thereof ſhall be granted.

LXVI. *Sect.* 7. Every perſon importing any tobacco into *Great Britain* from the plantations in *America*, and cauſing the ſame to be manufactured for his own account, ſhall (before the ſame be manufactured) deliver to the collector or other chief officer of the cuſtoms at the port where ſuch tobacco was imported, an account in writing containing the plantation or manifeſt mark and number of every hogſhead intended to be manufactured, with the name of the ſhip in which the ſame was imported, and the time when, and alſo the landing mark and number ſet on each hogſhead at the time of importation, and alſo the weight at the time of being firſt landed, and the weight at the time of delivery to be manufactured; which account ſhall be ſigned by ſuch importer or one of his known ſervants, and alſo by ſuch perſon to whom ſuch tobacco is delivered to be manufactured or one of his known ſervants, with their names and places of abode; and ſuch importer ſhall at the time of delivering ſuch accounts write off from the entries made at the time the tobacco was imported, and againſt each ſhip in which the ſame was imported, the weight of each hogſhead contained in ſuch account, in the ſame manner as if the tobacco had been delivered for exportation; and in caſe any importer neglect to give in ſuch account, or if ſuch account be fraudulent, he knowingly offending in either caſe ſhall forfeit 30 *l.* for every hogſhead or other package an account of which is omitted to be given, or of which a wrong account is knowingly

ingly given; and the perſon to whom ſuch tobacco has been delivered to be manufactured, neglecting by himſelf or his known ſervant to ſign ſuch account, or knowingly ſigning any fraudulent account, ſhall forfeit 30 *l.* for every ſuch hogſhead, *&c.* of which no account or a fraudulent account is knowingly given.

LXVII. *Sect.* 8. Every perſon after the 29th *Sept.* 1751. importing any tobacco from any of the plantations in *America*, and ſelling or delivering any part thereof, ſhall within 14 days after the delivery give to the collector or other chief officer of the cuſtoms at the port where ſuch tobacco was imported, an account containing the plantation or manifeſt mark and number of every hogſhead, *&c.* ſo ſold or delivered, with the name of the ſhip in which the ſame was imported, and times when, and alſo the landing mark and number ſet on each hogſhead at the time of importation, with the weight at the time of being firſt landed; and alſo the weight at the time of their ſale or delivery; which account ſhall be ſigned by ſuch importer or one of his known ſervants, and alſo by ſuch perſon to whom ſuch tobacco is ſold or delivered or one of his known ſervants, with their names and places of abode; and ſuch importer ſhall at the time of delivering in ſuch accounts write off from the entries made at the time the tobacco contained in ſuch account was imported, and againſt each ſhip in which the ſame was imported, the weight of each hogſhead, *&c.* contained in ſuch account, in the ſame manner as if the ſaid tobacco had been delivered for exportation; and in caſe any importer neglect to give in ſuch account, or ſuch account be fraudulent, he knowingly offending in either caſe ſhall forfeit 30 *l.* for every hogſhead or other package an account of which is omitted to be given, or of which a wrong account is knowingly given; and the perſon to whom, or to whoſe order ſuch tobacco has been ſold or delivered, neglecting by himſelf or his known ſervant to ſign ſuch account, or knowingly ſigning any fraudulent account, ſhall forfeit 30 *l.* for every ſuch hogſhead or other package, of which no account or a fraudulent account is knowingly given.

LXVIII. *Sect.* 9. No tobacco or tobacco ſtalks, exceeding 24 *lb.* weight, nor any ſnuff exceeding 10 *lb.* weight, ſhall be carried by land from any port of importation in *Great Britain* to any other place, unleſs in the manner herein after directed; *viz.* if it is unmanufactured tobacco, the ſame ſhall not be conveyed without a certificate from the collector and comptroller, or other chief officers at the port where ſuch tobacco was imported, together with the importer's oath thereto (in caſe ſuch importer apply for the ſame) that the duties were paid at the importation, and by whom, and the time when, and in what ſhip the ſame was imported; and in caſe the perſon applying for the ſame be a purchaſer from the importer, then on oath of ſuch purchaſer, atteſting the marks and numbers of the hogſheads ſo purchaſed, or out of which the ſaid tobacco was taken, and from whom purchaſed, and the time when; and if it is tobacco ſtalks or ſnuff, or other manufactured tobacco which is to be carried by land as aforeſaid, the ſame ſhall not be conveyed without a certificate, and oath of the importer (in caſe the importer applies for the ſame) that ſuch ſtalks were ſtripped, or ſuch ſnuff or other manufactured tobacco was made from one or more hogſheads of tobacco for which the duties were by him paid or ſecured, at the time of importation; and in caſe the perſon applying for ſuch certificate be a purchaſer, ſuch purchaſer ſhall make oath that ſuch ſtalks were ſtripped, or ſuch ſnuff or other manufactured tobacco was made from one or more hogſheads of tobacco which had been delivered according to the directions of this act; which certificates ſuch officers are to grant, and after writing the ſame off their books, to deliver to every perſon applying for the ſame; without any fee for ſuch certificates or oaths, on pain of forfeiting 10 *l.* *See* 26 Geo. 2. cap. 13. ſect. 5. Par. XCVII.

LXIX. *Sect.* 10. Before any tobacco, tobacco ſtalks, or ſnuff, for which ſuch certificate is granted, be carried by land as aforeſaid, the proprietor or agent ſhall deſcribe and inſert on the back of ſuch certificate the names of each package in which ſuch goods are contained, together with the marks and numbers on each, and alſo the weight of each ſpecies of goods in each package, and the place from whence the ſame are to be delivered, and to which they are to be carried, and by whom, and the name of the perſon to whom the goods are conſigned; and ſuch proprietor or agent ſhall ſubſcribe his name, and make oath to the truth thereof; and the certificate ſo granted, ſhall expreſs the number of days it continues in force, and ſhall accompany the

the goods to ſuch place to which they are to be carried, and upon its coming to ſuch place, the perſon receiving the ſame, or to whom the goods belong, ſhall cauſe ſuch certificate to be delivered to the chief officer of the cuſtoms, if any ſuch there be; and in caſe there be no officer of the cuſtoms, then to the officer of the exciſe of the diviſion whereunto ſuch goods are carried; and ſuch officer is to examine the ſame with the goods, and if they agree therewith the goods may be taken away by the perſon to whom they belong, and ſuch officer is to enter ſuch certificate in a book; and the officer of cuſtoms or exciſe receiving ſuch certificate, ſhall tranſmit an account of the ſame to the officer appointed by the commiſſioners of the treaſury for keeping ſuch accounts. *See* 26 Geo. 2. cap. 13. ſect. 4. Par. XCVI.

LXX. *Sect.* 11. The officers of the cuſtoms who grant ſuch original certificates at the port of importation, ſhall once in every month tranſmit duplicates to the perſon appointed by the commiſſioners of the treaſury for keeping the accounts herein after mentioned.

LXXI. *Sect.* 12. If any tobacco or tobacco ſtalks, exceeding 24 *lb.* weight, or any ſnuff exceeding 10 *lb.* weight, be found removing by land from the port of importation without a certificate, all ſuch tobacco, tobacco ſtalks, and ſnuff, and the caſks or other package, with the horſes cattle and carriages employed in the removing the ſame ſhall be forfeited, and may be ſued for by any officer of the cuſtoms or exciſe in the manner herein after directed; and the carrier, or perſon employed in conveying ſuch goods, ſhall beſides the loſs of his cattle and carriages be committed to the county gaol for one month, by any juſtice of peace for the county where the offence is committed, or the offender found; and if any perſon counterfeit or alter any ſuch certificate or duplicate thereof, or procure the ſame to be counterfeited or altered, he ſhall forfeit 50 *l.* for every ſuch offence.

LXXII. *Sect.* 13. No tobacco, tobacco ſtalks, or ſnuffs, ſhall be ſhipped or laden on board any veſſel to be carried by water from any place in *Great Britain* to any other place in *Great Britain*, until the ſame be firſt entered at the cuſtom-houſe at the port where, or neareſt to the place where ſuch goods are ſhipped and laden; and if it is tobacco unmanufactured, the ſame ſhall not be ſhipped but in the original package preſerving the ſame marks and numbers, nor without a certificate from the collector and comptroller or other chief officer of the cuſtoms at the port where ſuch tobacco was imported, that the duties thereof were paid or ſecured at the importation, and by whom, and the time when, and in what ſhip the ſame was imported; and if it is tobacco ſtalks, or ſnuff, or other manufactured tobacco which is to be carried by water as aforeſaid, the ſame ſhall not be ſhipped to be carried by water as aforeſaid, without a certificate from the collector and comptroller, or other chief officer of the cuſtoms at the port where the tobacco was imported from which ſuch ſtalks were ſtripped or ſuch ſnuff was made, that the duties were paid or ſecured for ſuch tobacco at the importation; which certificates ſuch officers are to deliver to all importers of ſuch tobacco or their known ſervants, who apply for the ſame, without any fee, on pain of forfeiting 10 *l.* for every ſuch offence. *See* 26 Geo. 2. cap. 13. ſect. 5. Par. XCVII.

LXXIII. *Sect.* 14. Before any ſuch tobacco, tobacco ſtalks, or ſnuff, for which ſuch certificate is granted, be ſhipped to be carried by water as aforeſaid, the proprietor ſhall deſcribe and inſert on the back of ſuch certificate, the names of each package, with the marks and numbers ſet on each, and the weight of each ſpecies of ſuch goods in each package, and the place from whence the ſame were brought, and to which they are to be carried by water as aforeſaid.

LXXIV. *Sect.* 15. Such certificate ſhall by the proprietor of ſuch tobacco, tobacco ſtalks, and ſnuff, before the ſame be ſhipped, be delivered to the maſter or perſon taking charge of the veſſel; which certificate the maſter, *&c.* ſhall immediately after his arrival in any place in *Great Britain* with ſuch goods on board, deliver to the collector or other chief officer at ſuch place; who is to cauſe ſuch goods to be examined by the ſaid certificate; and if they agree with the certificate, ſuch certificate ſhall be tranſmitted by him, within one month, to the perſon appointed by the commiſſioners of the treaſury for keeping the accounts herein after-mentioned; and the goods ſhall be taken away by ſuch perſon to whom they are conſigned, or to whom they belong.

LXXV. *Sect.* 16. If any tobacco, tobacco ſtalks, or ſnuff be found on board any veſſel in *Great Britain* without ſuch certificate as aforeſaid, or if ſuch certificate is forged, or does not agree with the goods to which the ſame belongs, all ſuch tobacco, tobacco ſtalks, and ſnuff, and the caſks or other packages ſhall be forfeited, and may be ſeized by any officer of the cuſtoms in manner herein after directed; and the maſter of ſuch veſſel ſhall forfeit 6*d.* *per* pound weight for every ſpecies of the goods aforeſaid: and if any perſon counterfeit or alter any ſuch certificate, or procure the ſame to be counterfeited or altered, he ſhall forfeit 100*l.*

LXXVI. *Sect.* 17. The collector and comptroller, or other chief officer of the cuſtoms in the port of *London*, and at every port in *Great Britain*, where any tobacco is imported from any of the plantations in *America*, ſhall once in every calendar month tranſmit to the perſon appointed by the commiſſioners of the treaſury one of the land-waiters books, in which his account is entered of the landing and diſcharging of tobacco imported at ſuch port from any of the plantations in *America*; and alſo copies of every entry of tobacco for exportation, and of the indorſements relating thereto, which are delivered to the ſearchers or other officers at ſuch port where any ſuch tobacco is ſhipped for exportation, and copies of every account delivered to any officer of the cuſtoms at ſuch port, of tobacco intended to be manufactured, or delivered to be manufactured for the account of the importer, and copies of every account delivered to any officer at ſuch port by the importer of tobacco ſold: which ſeveral accounts are to be kept by the perſon deputed by the commiſſioners of the treaſury, who is to keep books, and enter therein the ſaid accounts; which entries ſhall be made, and an account thereof kept, in ſuch manner, that the marks and numbers on every hogſhead or other package of tobacco, with the weights thereof at the importation, may be compared and chequed with the marks, numbers, and weights, at the exportation, or when ſold or delivered for home conſumption, or to be manufactured; and when any thing appears to him to be done contrary to the directions of this act, he ſhall immediately tranſmit an account thereof to the commiſſioners of the cuſtoms at *London* or at *Edinburgh* reſpectively, under whoſe management the ſame happens, and a copy of ſuch repreſentations made by him ſhall be by him, once in every ſix months, laid before the commiſſioners of the treaſury; and if any collector, or other chief officer of the cuſtoms in *Great Britain*, neglect to tranſmit one of the land-waiters books, and a copy of every entry of tobacco for exportation, and of the ſeveral indorſements relating thereto, and of all accounts herein before mentioned, within the time herein before limited, he ſhall forfeit 50*l.* for every ſuch neglect.

LXXVII. *Sect.* 18. Every perſon importing any tobacco from any of the plantations in *America*, ſhall tranſmit annually, between the firſt and 24th of *June* in each year, to the collector or other chief officer of the cuſtoms at the port where ſuch tobacco is imported, an account under his hand of all ſuch tobacco at the time of giving in ſuch account in his power or poſſeſſion, which has been entered in *Great Britain* 18 months or more at the time of giving in ſuch account; which account ſhall alſo contain the number of hogſheads or other packages in which ſuch tobacco is contained; and the marks, numbers and weights upon every ſuch hogſhead, *&c.* and the places where the ſame are then lodged; and every ſuch collector or other chief officer is upon receipt of ſuch accounts, forthwith to cauſe the goods contained in ſuch accounts to be examined thereby, and then to tranſmit ſuch accounts to the perſon appointed by the treaſury, for keeping the accounts before mentioned; and if any importer of tobacco neglect to give in ſuch account in ſuch manner as is herein directed, or if ſuch account be fraudulent, he ſhall forfeit 50*l.* for every ſuch offence.

LXXVIII. *Sect.* 19. If any perſon alter or deface any mark or number ſet upon any hogſhead, or other package of tobacco, in the plantations in *America*, or ſet thereon in *Great Britain* upon the importation or upon the exportation, he ſhall forfeit 20*l.* for each hogſhead, *&c.* the mark whereof ſhall be ſo altered or defaced.

LXXIX. *Sect.* 20. No tobacco ſhall be imported into *Great Britain*, otherwiſe than in caſk, cheſt or caſe only, each caſk whereof ſhall contain 450*lb.* weight of neat tobacco at leaſt; under the penalty of the forfeiture of all ſuch tobacco imported contrary to this act, together with the caſks or other package.

LXXX. *Sect.* 21. No tobacco unmanufactured ſhall be laid on board in any ſhip in *Great Britain*, to be exported, but in caſks cheſts or caſes only, containing 425 pounds weight or more of tobacco in each caſk; under the penalty of the forfeiture of ſuch tobacco and of the caſk, *&c.* except caſks or other packages containing ſamples exported with the ſame hogſheads or caſks out of which ſuch ſamples were taken.

LXXXI. *Sect.* 22. No tobacco or tobacco ſtalks exceeding 24 pounds weight, nor any ſnuff exceeding 10 pounds weight, removed by water from the place of importation to any other place within this kingdom, ſhall be carried from thence by land to any other place, without a certificate from the collector and comptroller, or the chief officers of the cuſtoms at the place to which ſuch goods were carried by water, that it appears to them by the entries of the certificates in their books that the duties thereof were paid or ſecured at the port of importation, and in what ſhip ſuch goods were brought by water, and the time when, and alſo that the perſon applying to them for the ſame, had made oath to the truth thereof; which certificate ſuch officers are after writing the ſame off in their books, to deliver to every perſon applying for the ſame, and ſhall immediately tranſmit a duplicate of ſuch certificate to the perſon appointed by the treaſury for keeping the accounts herein after mentioned; and before any ſuch tobacco, tobacco ſtalks, or ſnuff, for which ſuch certificate is granted, be carried by land, the proprietor or his factor ſhall deſcribe and inſert on the back of ſuch certificate, the names of each package in which ſuch goods are contained, with the marks and numbers ſet on each, and the weight of each ſpecies of ſuch goods in each package, and the place from whence the ſame were brought, and to which they are to be carried, and the name of the perſon to whom the ſame are ſent, to which ſuch proprietor or factor ſhall ſubſcribe his name and make oath to the truth thereof: and if any tobacco, tobacco ſtalks, or ſnuff, exceeding the reſpective quantities before mentioned, be found removing by land from the port of importation, without ſuch certificate therewith; or if ſuch certificate is forged, all ſuch tobacco, tobacco ſtalks, and ſnuff, and the caſks or other package, with the horſes cattle and carriages employed in the removing, ſhall be forfeited and may be ſeized by any officer of the cuſtoms, and the carrier or perſon employed in the removing ſuch goods, ſhall beſides the loſs of his cattle and carriages alſo forfeit 10*l.* and be committed to the county gaol for one month, by any juſtice of the peace for the county where the offence is committed or the offender found; and if any perſon counterfeit or alter any ſuch certificates or duplicate thereof, or procure the ſame to be counterfeited or altered, he ſhall forfeit 100*l.* for every offence.

LXXXII. *Sect.* 23. No tobacco or tobacco ſtalks exceeding the quantity of 24 pounds weight, nor any ſnuff exceeding 10 pounds weight, ſhall be carried by land from any place in *Great Britain* to any other place in *Great Britain*, in any hogſhead or package, unleſs ſuch hogſhead or package be marked on the outſide, with the words tobacco, tobacco ſtalks, or ſnuff, in letters not leſs than three inches in length; under the penalty and forfeiture of all ſuch tobacco, *&c.* with the package, and 1*s.* for every pound weight thereof, to be paid by the owner.

LXXXIII. *Sect.* 24. No drawback ſhall be allowed for any tobacco mixed with rubbiſh or dirt, or any other matter; and every perſon cauſing to be entered or ſhipped for exportation any tobacco mixed with rubbiſh, or with dirt, or any other matter, or entering any thing as tobacco for exportation which upon examination appears not to be tobacco, ſhall forfeit all ſuch goods, and the caſks and other package, and alſo 50*l.* for every hogſhead or other package.

LXXXIV. *Sect.* 25. No tobacco manufactured or unmanufactured ſhall be entered or ſhipped for exportation to any parts beyond the ſeas (*Ireland* only excepted) in any ſhip unleſs ſuch ſhip be of the burthen of 70 tons or upwards; and if any officer of the cuſtoms apprehend that any ſuch ſhip bound to foreign parts, and having tobacco on board her, be not of the burthen of 70 tons, it ſhall he lawful for ſuch officer to detain ſuch ſhip and the whole cargo, until he cauſe ſuch ſhip to be admeaſured according to 6 *Geo.* 1. *cap.* 21. *ſect.* 33. and if it appear by ſuch admeaſurement, that ſuch ſhip is of the burthen of 70 tons the officer ſo ſtopping her ſhall not be ſubject to any action for damages; and if the maſter of any ſhip outward bound having

ing tobacco on board, enter and clear out ſuch ſhip in the collectors book at the cuſtom houſe, as of the burthen of 70 tons, and ſuch ſhip be not of ſo great burthen, he ſhall forfeit 100 *l.* for every ſuch offence.

LXXXV. *Sect.* 26. Where any ſhip under the burthen of 70 tons coming from foreign parts, or having cleared outwards in *Great Britain*, and having on board 100 pounds weight of tobacco, or any tobacco ſtalks, or ſtems ſtript from the leaf, or 50 *lb.* weight of ſnuff, is found at anchor, or hovering within the limits of any of the ports of this kingdom, or within two leagues of the ſhore, or is diſcovered to have been within the limits of any port, and not proceeding on her voyage, wind and weather permitting (unleſs in caſe of unavoidable neceſſity and diſtreſs of weather, of which the maſter or perſon taking charge of ſuch ſhip ſhall give notice to, and make proof of, before the collector or other chief officer of the cuſtoms of ſuch port immediately after arrival) all ſuch tobacco and tobacco ſtalks, or ſtems ſtript from the leaf, and ſnuff, with the hogſheads or other package or the value thereof, ſhall be forfeited (whether bulk have been then broken or not) and the maſter, *&c.* ſhall forfeit 100 *l.* and the ſame goods and package may be ſeized and proſecuted, or the value thereof be ſued for by any officer of the cuſtoms; and if any ſhip above the burthen of 70 tons, having ſuch goods on board either homeward bound or outward bound, be found at anchor, or hovering as aforeſaid, and no notice of diſtreſs be given, the maſter, *&c.* ſhall forfeit 100 *l.*

LXXXVI. *Sect.* 27. All tobacco, tobacco ſtalks, and ſnuff, ſeized and condemned, ſhall be burnt in the preſence of the collector and comptroller of the cuſtoms for the port where ſuch tobacco is at the time of condemnation, or in the preſence of the officer appointed for that purpoſe; and if there be no ſuch officer then in the preſence of the collector or ſupervisor of exciſe of the diſtrict in which ſuch place is ſituate; and all rewards which the officers who ſeize and proſecute, are intitled to by law, ſhall be paid by the receivers general of the cuſtoms at *London* or *Edinburgh*, or by the reſpective collector in the out-ports where ſuch tobacco, *&c.* was ſeized and burnt, out of any duties ariſing from the cuſtoms applicable to incidents, *viz.* if it is tobacco or tobacco ſnuff ſo burnt the ſame ſhall be paid at the rate as if the tobacco or ſnuff had been ſold for 6*d. per* pound; and if it is tobacco ſtalks or damaged tobacco, then the officer ſo ſeizing ſhall have 1 *d. per* pound, for every pound weight ſo condemned and burnt, in lieu of all other allowances.

LXXXVII. *Sect.* 28. The officers of cuſtoms or exciſe in whoſe preſence the ſame is burnt, ſhall certify to the commiſſioners of the cuſtoms, in ſuch part of the united kingdom where the ſame is burnt, the quantity ſo burnt, whereupon the ſaid commiſſioners ſhall grant their order for the payment of the ſaid rewards; and if the ſame be burnt in the preſence of ſuch officer of exciſe, then the ſaid commiſſioners ſhall order the ſame to be paid by the receivers general of the cuſtoms, in either part of the united kingdom as the ſame happens.

LXXXVIII. *Sect.* 29. All bonds given for the payment of the duties on tobacco ſhall be deemed due and payable upon the day mentioned in the condition of the ſaid bond; and ſuch intereſt ſhall be paid to the crown, on all ſuch bonds as is directed by 4 *Ann. cap.* 6. *ſect.* 35. (viz. 6 per cent. *but the treaſury may remit the intereſt*) which intereſt ſhall be computed from the day the bond becomes due to the day whereon it is paid, or the day the ſearcher certifies upon the debenture that the tobacco was ſhipt for exportation; notwithſtanding ſuch tobacco remains unexported, and the three years (being the time limited for the allowance of the drawback on exportation) be not expired; and no ſuch ſecurity ſhall hereafter be vacated until ſuch intereſt be paid thereon.

LXXXIX. *Sect.* 30. It ſhall be lawful for the chancellor and under treaſurer of the exchequer, the lord chief baron, and other barons of the coif, or any of them, to grant his *fiat* for the iſſuing of proceſs of immediate extent againſt any perſon who has given his bond to the crown for duties on tobacco, although the day mentioned in the condition be not come, upon an affidavit by one of the ſecurities, or executor or adminiſtrator of ſuch ſecurity, that the perſon bound is decayed in his circumſtances, and that the crown's debt is in danger; and if the crown recovers the money due on ſuch bond, before

before the day of payment, the obligor is to be allowed out of the money ſo recovered the uſual diſcounts.

XC. *Sect.* 31. The importers of tobacco ſhall have the ſame allowances and diſcounts on giving bonds for the ſubſidy granted by 21 *Geo.* 2. *cap.* 2. or paying the ſame before they become due, as they are now intitled to by law upon bonds given for tobacco imported.

XCI. *Sect.* 32. The 12 *Ann. ſt.* 2. *cap.* 8. *ſect.* 5. Par. XXVII. ſo far as relates to the putting tobacco into warehouſes, and every article rule and thing therein contained, are hereby declared to be in force.

XCII. *Sect.* 33. One moiety of the ſeveral penalties in this act mentioned, ſhall be to the uſe of his Majeſty, and the other moiety to the uſe of ſuch perſon as ſhall inform or ſue for the ſame: and the ſame penalties may be proſecuted in any court of record at *Weſtminſter*, if the offence be committed in *England*, or if the offender be in *England* at the time of commencing the proſecution, or in the court of exchequer at *Edinburgh*, if the offence be committed in *Scotland*, or if the offender be in *Scotland* at the time of commencing the proſecution; at the election of the commiſſioners of the cuſtoms in that part of the united kingdom where the offence is committed, wherein no eſſoin, *&c.* ſhall be allowed.

XCIII. *Sect.* 34. If any action be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts.

XCIV. **Stat.** 26 *Geo.* 2. *cap.* 13. *ſect.* 1. Whereas it may be reaſonably ſuppoſed, that all tobacco imported before the 29th of *September* 1751, hath been diſpoſed of; for preventing frauds, be it enacted, that no tobacco imported into *Great Britain*, before the 29th of *September* 1751, and no tobacco ſtalks ſtripped, or ſnuff manufactured from tobacco ſo imported, ſhall be permitted to be removed by land or water; upon pain that all ſuch tobacco, tobacco ſtalks or ſnuff, ſhall be forfeited and deſtroyed, as by 24 *Geo.* 2. *cap.* 41. is directed in relation to any tobacco, *&c.* on the removal whereof certificates are by the ſaid act required.

XCV. *Sect.* 2. It ſhall be lawful for any officer of the cuſtoms or exciſe to ſeize and proſecute any tobacco, tobacco ſtalks, or ſnuff, removed from one place to another in greater quantities than by the ſaid act are allowed, and not attended with ſuch certificates as by this act are required; and the proof that ſuch tobacco, *&c.* had before been removed from the port of importation with a proper certificate, and that the duties had been paid or ſecured, ſhall be upon the claimer.

XCVI. *Sect.* 4. If on the back of any certificate granted by virtue of the ſaid act for removing tobacco, *&c.* by land, the inn from whence the ſame is carried be deſcribed, ſuch certificate ſhall be as effectual, as if the name of the perſon by whom the ſame is carried were inſerted thereon.

XCVII. *Sect.* 5. Every certificate for removing tobacco, *&c.* by land or by water, ſhall be deemed a proper certificate, although the name of the perſon by whom the tobacco was imported, or by whom the duties were paid or ſecured, be not inſerted therein, ſo as every other requiſite of the ſaid act be obſerved, and the name of the importer be retained and expreſſed in the bills from which ſuch certificates are prepared; ſuch bills to be delivered to the collector or other chief officer of the port where the ſaid tobacco was imported.

XCVIII. *Sect.* 6. The ſecond purchaſer of any entire hogſhead of unmanufactured tobacco ſhall be intitled to a certificate, on the removal of any ſuch tobacco, or of any ſtalks ſtripped, or any ſnuff or manufactured tobacco made therefrom, in like manner as certificates by the ſaid act are directed to be granted to the firſt purchaſer from the importer; and in all ſuch certificates granted to ſuch ſecond purchaſer, the name of the importer or ſeller may be omitted, provided the ſeller to ſuch ſecond purchaſer have delivered to the collector or other chief officer of the port where ſuch tobacco was imported, the like account as the importers are by the ſaid act required to give.

LXXI. Stat. 17 *Geo.* 2. *cap.* 39. *ſect.* 1. If any of the ſubjects of *Great Britain* within this realm or without, hold correſpondence in perſon, by letters or otherwiſe with the eldeſt or any other ſon of the pretender, or with any perſon employed by any of them knowing ſuch perſon to be ſo employed, or remit or pay any money for the uſe or ſervice of any of them knowing ſuch money to be for ſuch uſe, ſuch perſon being convicted ſhall be adjudged guilty of high treaſon.

LXXII. *Sect.* 2. If the eldeſt or any other ſon of the ſaid pretender land or attempt to land, or be found in *Great Britain* or *Ireland*, or any of the dominions thereunto belonging, or be found on board any ſhip with intent to land in *Great Britain* or *Ireland* or any of the dominions aforeſaid, he ſhall be attainted of high treaſon.

LXXIII. *Sect.* 3. The clauſe in 7 *Ann. cap.* 21. *ſect.* 10. Par. LXIX. by which it is provided, that after the deceaſe of the perſon who pretended to be prince of *Wales* during the life of the late King *James*, &c. no attainder for treaſon ſhould extend to the diſheriting of any heir, nor to the prejudice of any perſon other than the offender during his life, ſhall not take place nor have effect, until after the deceaſes not only of the ſaid pretender but alſo of his eldeſt and every other ſon.

LXXIV. *Sect.* 4. Where any of the offences againſt this act ſhall be committed out of this realm, the ſame may be enquired of and tried in any county in *England*, or in any ſhire or ſtewartry in *Scotland*.

LXXV. Stat. 20 *Geo.* 2. *cap.* 30. Every perſon impeached by the commons of *Great Britain* of any high treaſon, whereby any corruption of blood may be made to ſuch offender or his heir, or for miſpriſion of high treaſon, ſhall be admitted to make his defence by council not exceeding two, who ſhall be aſſigned on the application on the party impeached at any time after the articles of impeachment are exhibited by the commons.

LXXVI. Stat. 20 *Geo.* 2. *cap.* 46. *ſect.* 1. If any perſon whom his Majeſty has pardoned for treaſons committed in the late rebellion on condition of being tranſported to ſome of the *Britiſh* plantations in *America*, ſhall without the licence of his Majeſty under his privy ſeal or ſign manual, or ſome other lawful cauſe, return or be at large in *Great Britain* or *Ireland*, or voluntarily go into, or continue in any part of the dominions of the *French* King, or the King of *Spain*, in *Europe*, *America*, or elſewhere, he ſhall not only have no benefit of ſuch pardon, but ſhall be guilty of felony and ſuffer death, and forfeit as in caſes of felony without benefit of clergy.

LXXVII. *Sect.* 2. If any perſon knowingly aſſiſt any ſuch perſon ſo pardoned, in his unlawful returning to *Great Britain* or *Ireland*, or going into or continuing in the dominions of the *French* King, or the King of *Spain*, ſuch perſon ſo offending ſhall be guilty of felony and ſuffer death, and forfeit as in caſes of felony without benefit of clergy.

LXXVIII. *Sect.* 3. If any of the ſubjects of his Majeſty (except ſuch as be licenſed by his Majeſty under his ſign manual or privy ſeal) ſhall within this realm, or without, knowingly keep any correſpondence in perſon, or by letters, meſſages, or otherwiſe, with any of the ſaid perſons ſo gone into, or continued in any of the dominions of the *French* King, or the King of *Spain*, or with any perſon employed by them knowing ſuch perſon to be ſo employed, ſuch perſon ſo offending being convicted, ſhall be adjudged guilty of felony and ſuffer death, and forfeit as in caſes of felony without benefit of clergy.

LXXIX. *Sect.* 4. All offences made felony by this act, ſhall be tried and determined in the court of king's bench in *England*, or in the high court of juſticiary in *Scotland*, or in any county of this realm in ſuch manner as if the fact had been therein committed, or within any of the *Britiſh* plantations in *America* within which any ſuch offence is committed, or in any county of *Ireland* in caſe ſuch offence be committed in that kingdom.

LXXX. *Sect.* 5. That all perſons in the plantations to which the ſaid offenders be tranſported, may have notice of the perſons ſo pardoned and tranſported, be it enacted, that within one week after any of the ſaid perſons be tranſported, the naval officer, or other chief officer of the cuſtoms, at the port whither they are brought, ſhall receive from the maſter of the ſhip in which they are brought, a liſt, ſigned by ſuch commander, of the names and additions of the perſons ſo tranſported; which liſt ſhall be ſet up in the cuſtom-houſe of ſuch port, there to be read and copied by all perſons without any fee; and in caſe the ſame be defaced, taken away, or loſt, a new liſt ſhall be ſet and kept up by ſuch naval or other principal officer; and if ſuch commander after this act is publiſhed in any ſuch plantation, neglect to give ſuch liſt, or if the ſaid naval or other officer neglect to put or keep up the ſame as above directed, or if any perſon voluntarily deface or take away the ſame, or any liſt put up in ſuch cuſtom-houſe of rebels tranſported, every perſon ſo offending ſhall forfeit 50 *l.* ſterling for every ſuch offence; one moiety to his Majeſty, and the other moiety to ſuch perſon who ſhall ſue for the ſame, in the plantation where the offence is committed, or in the court of king's bench in *England*, or of juſticiary in *Scotland*, in caſe the offender be found in *England* or *Scotland* reſpectively.

LXXXI. *Sect.* 6. No perſon ſhall be convicted of any offence made felony by this act, unleſs ſuch perſon be indicted for ſuch offence within two years next after the committing thereof.

Treſpaſs.

VIII. Stat. 23 *Geo.* 2. *cap.* 26. *ſect.* 13. If any perſon ſteal and take away, or maliciouſly pull up and deſtroy any turnips growing or being in any lands belonging to any perſon, and be convicted before any juſtice of peace for the county or place where the offence is committed, either by confeſſion or by the oath of one perſon, he ſhall for the firſt offence pay to the owner ſuch ſatisfaction, and within ſuch time, as the ſaid juſtice ſhall appoint; and ſhall over and above pay down upon conviction unto the overſeers of the poor of the pariſh where the offence was committed, for the uſe of the poor, ſuch ſum not exceeding 10 *s.* as to the ſaid juſtice ſhall ſeem meet; and if any ſuch offender make not ſuch ſatisfaction to the owner, and pay ſuch ſum to the uſe of the poor, then the ſaid juſtice ſhall commit the ſaid offender to the houſe of correction, for any ſpace not exceeding one month, or may order ſuch offender to be whipped by the conſtable; and if any ſuch perſon again commit the like offence and be convicted, he ſhall be committed to the houſe of correction for three months.

IX. *Sect.* 14. Provided that no perſon ſhall be proſecuted for any ſuch offence of ſtealing, pulling up, or deſtroying of turnips, unleſs ſuch proſecution be begun within 30 days after the offence committed.

Trial.

XII. Stat. 24 *Geo.* 2. *cap.* 18. *ſect.* 3. Every *venire facias* for the trial of any iſſue in any action or information upon any penal ſtatute in any court of record at *Weſtminſter*, in the counties palatine of *Lancaſter*, *Cheſter*, and *Durham*, and the principality of *Wales*, ſhall be awarded of the body of the county where ſuch iſſue is triable.

Turky company.

I. Stat. 26 *Geo.* 2. *cap.* 18. *ſect.* 1. Every ſubject of *Great Britain*, deſiring admiſſion into the *Turky Company*, ſhall upon requeſt to the governor, or deputy governor, be admitted into the ſaid company within 30 days after ſuch requeſt, paying for his admiſſion for the uſe of the company 20 *l.*

II. *Sect.*

II. *Sect.* 2. The following oath in lieu of the oath heretofore taken, ſhall be taken by every perſon upon his admiſſion, either before the governor or deputy governor of the company, or before two juſtices of peace, which juſtices are to certify under their hands and ſeals, that the ſaid oath was taken by on the day of before us, two of his Majeſty's juſtices of the peace in and for

YOU ſwear to be good, faithful, and true to our ſovereign lord King George, *his heirs and ſucceſſors; you ſhall be obedient and aſſiſtant to the governor, his deputy, and aſſiſtants of the company of merchants of* England *trading into the* Levant *ſeas, in all lawful matters; you ſhall truly hold and keep to your power (having no ſingular regard to yourſelf, to the hurt and prejudice of the common weal of the ſaid company) all ſtatutes, acts, and ordinances, which have been duly made, according to the grant of privileges granted to the ſaid company, and conſiſtent with an act of parliament made in the twenty ſixth year of the reign of his Majeſty King* George *the ſecond, intituled,* An act for enlarging and regulating the trade into the *Levant* ſeas; *the ſecrets of the ſaid company you ſhall not diſcloſe; and if you ſhall know any perſon or perſons, that intend any hurt, harm, or prejudice to our aforeſaid ſovereign lord the King's Majeſty, his heirs, or ſucceſſors, or to the ſaid company, or the privileges of the ſaid company, you ſhall give knowledge thereof to the ſaid governor, deputy, or aſſiſtants, or to ſome of them; and you ſhall not colour or free any goods, belonging to any one not free of the ſaid company.*

So help you God.

III. *Sect.* 3. It ſhall be lawful for all perſons free of the ſaid company ſeparately or jointly to export from any port in *Great Britain*, to any port within the limits of the letters patent *of King* James I. *and King* Charles II. *incorporating the ſaid company*, in any *Britiſh* or plantation built ſhips navigated according to law, at any time, and to any freemen of the ſaid company, or ſons or apprentices of freemen being his Majeſty's chriſtian ſubjects, ſo long as they remain under and ſubmit to the protection and direction of the *Britiſh* ambaſſadors and conſuls, any goods not prohibited by law to be exported; and alſo to import from any place within the limits of the ſaid letters patent, raw ſilk, or any other goods, purchaſed within the ſaid limits, not prohibited by law to be imported, upon paying or ſecuring the cuſtoms and duties, and ſuch impoſitions as ſhall be charged for defraying the neceſſary expences of the company.

IV. *Sect.* 4. The exportation of gold or ſilver, either in foreign coin or bullion, ſhall remain ſubject to the by laws of the company.

V. *Sect.* 5. It ſhall be lawful for the governor or deputy governor and company in general court aſſembled, to make by-laws; but no ſuch by-law ſhall be valid, unleſs confirmed at a ſubſequent general court held at leaſt one calendar month after the general court at which ſuch by-law was made; and if any ſeven of the freemen think themſelves aggrieved by any by-law, it ſhall be lawful for them to preſent an appeal to the commiſſioners for trade and plantations; who are to hear ſuch appeal, and to approve or diſapprove ſuch by-law.

VI. *Sect.* 6. Such by-law ſhall be in force, till ſuch appeal be ſo heard and the by-law diſapproved.

VII. *Sect.* 7. Such appeal ſhall be brought within 12 calendar months after ſuch by-law made and confirmed.

VIII. *Sect.* 8. The perſons appealing ſhall at the ſame time give notice in writing of ſuch appeal to the governor, deputy governor, or ſecretary of the company.

IX. *Sect.* 9. No ſuch by-law ſhall be of any greater force than the ſame would have been if no ſuch appeal had been given by this act.

X. *Sect.* 10. Whenſoever any general court of the ſaid company is appointed for making any by-law, public notice thereof ſhall be given in the *London Gazette*, at leaſt 20 days before the holding ſuch general court.

XI. *Sect.* 11. All rules made for preventing infection ſhall remain in force as if this act had never paſſed.

XII. *Sect.*

XII. *Sect.* 12. No goods liable to retain the infection of the plague, and coming from the *Levant* without a clean bill of health, ſhall be landed in any part of *Great Britain* or *Ireland*, or of the iſles of *Guernſey*, *Jerſey*, *Alderney*, *Sark*, or *Man*, unleſs it appear to the ſatisfaction of his Majeſty, or of his privy council, that the ſaid goods have been ſufficiently opened and aired in the lazarets of *Malta*, *Ancona*, *Venice*, *Meſſina*, *Leghorn*, *Genoa*, and *Marſeilles*, or one of them.

XIII. **Stat.** 32 *Geo.* 2. *cap.* 34. *ſect.* 1. No woollen broad cloth or woollen goods of the manufacture of *France*, ſhall directly or indirectly be imported into any port in the *Levant* ſeas, within the limits of any letters patent granted to the *Turkey* company, on the account of any member of the ſaid company or any ſubject of this realm.

XIV. *Sect.* 2. No woollen broad cloth or woollen goods of the produce of this kingdom, ſhall be imported into any port in the *Levant* ſeas, within the limits of the ſaid company's charter, except directly from this kingdom, on account of any *Britiſh* ſubject; unleſs the importer produce to his Majeſty's ambaſſador, or to the conſul or vice conſul, or other officer appointed by the *Levant* company, at the port where ſuch goods are imported, a certificate upon oath from the exporter or ſhipper at the port where the ſame goods were laſt exported from, that the ſame were received from *Great Britain*; and in ſuch certificate ſhall be deſcribed the name of the ſhip and of the maſter, and the time when the ſame goods were imported into ſuch laſt loading port from *Great Britain*; which certificate ſhall be atteſted by the *Britiſh* conſul, or perſon acting as conſul in his abſence, at ſuch laſt loading port; and the ſhipper ſhall alſo produce to the *Britiſh* conſul, *&c.* the bills of lading of the ſaid goods, made out upon the ſhipping thereof from *Great Britain*; and the ſaid conſul, *&c.* ſhall take notice in the atteſtation of ſuch certificate, that ſuch bills of lading were produced.

XV. *Sect.* 3. Upon granting every certificate for the exportation of *Britiſh* cloths or other woollen manufactures of this kingdom, for any port within the limits of the charter of the *Levant* company, the conſul, vice conſul, or perſon acting as ſuch, is to enter a duplicate of the certificate in a book; in which book the ſaid duplicate, being entered at the time of granting the certificate, ſhall be ſigned by the exporter or ſhipper of the goods, taking the oath before required to be taken upon making out ſuch certificate; which book ſhall be referred to, and received as final evidence, in all ſuch diſputes with reſpect to the authenticity of ſuch certificates; and ſuch entries may be examined by all parties without fee.

XVI. *Sect.* 4. Where the conſul, or perſon acting as ſuch, receives information, upon oath, ſetting forth reaſon to ſuſpect the authenticity of any certificate, he ſhall ſignify ſuch information to the importer, and take ſecurity in double the value of the goods; which ſecurity ſhall be forfeited, in caſe upon a reference to the books of the conſul, *&c.* at the port from whence ſuch goods are pretended to be imported, it appear that no ſuch certificate was granted; ſuch ſecurity to be aſſigned to the informer for his uſe.

XVII. *Sect.* 5. As often as any ſuch objections are made to any certificate produced by any importer of woollen cloths or manufactures into any port within the limits of the charter of the *Levant* company, and ſecurity is taken of the importer, the ambaſſador, conſul, or perſon acting as ſuch, ſhall by the firſt opportunity tranſmit to the conſul, *&c.* at the port at which ſuch diſputed certificate is alledged to have been granted, notice of ſuch diſpute, requiring from ſuch conſul, *&c.* at the ſame time, an atteſtation under his hand and ſeal determining whether the certificate in diſpute was granted by him; and ſuch atteſtation ſhall be tranſmitted by the ſaid conſul, *&c.* by the firſt opportunity, to the ambaſſador, conſul, *&c.* at the port where the diſpute ariſes, who is upon receipt thereof, to lay ſuch atteſtation before the importer; and in caſe the certificate be by ſuch atteſtation verified, the ſecurity ſhall be immediately cancelled; but if the certificate be found not to have been granted, the ambaſſador, conſul, *&c.* is to levy the penalty by diſtreſs and ſale of the goods of the perſon giving the former ſecurity, by warrant under the hand and ſeal of ſuch ambaſſador, conſul, *&c.*

XVIII. *Sect.*

XVIII. *Sect.* 6. All ſuch woollen goods imported into any port within the limits of the ſaid *Levant* company's charter on the account of any *Britiſh* ſubject, without ſuch certificate, other than ſuch as be imported directly from *England*, ſhall be deemed to be the manufacture of *France*; and his Majeſty's ambaſſador, and the conſul, vice conſul, or other officer appointed by the *Levant* company, are hereby impowered and required to cauſe the ſame to be ſeized and confiſcated.

XIX. *Sect.* 7. Every merchant or factor, a ſubject of *Great Britain*, or reſiding under the protection of the *Britiſh* ambaſſador, or any conſul, or vice conſul, or perſon acting as ſuch, within the limits of the ſaid company's charter, ſhall before the exportation of any goods from any port within the limits aforeſaid, make oath before the ſaid ambaſſador, *&c.* that ſuch goods ſo intended to be exported were not purchaſed by ſuch merchant or his factor, with his knowledge, with the produce of, or taken in barter for, *French* woollen broad cloth, or any other woollen manufactures of *France*, ſince the paſſing of this act.

XX. *Sect.* 8. Every perſon importing into *Great Britain* or *Ireland* any goods of the produce or manufacture of the *Turkiſh* dominions within the limits of the ſaid company's charter, ſhall before ſuch goods be landed make oath before the commiſſioners of the cuſtoms, or the collector or comptroller, or other principal officer of the cuſtoms of ſuch port where ſuch goods are imported, that the ſame were not by himſelf, or his correſpondent with his knowledge, directly or indirectly purchaſed with the produce of, or taken in barter for, any woollen broad cloth or other woollen manufactures of *France*, ſince the paſſing of this act, except ſuch as have been condemned as lawful prize.

XXI. *Sect.* 9. In caſe any certificate purſuant to this act be loſt, the maſter or perſon having charge of the ſhip on board whereof the goods to which ſuch certificate did relate are loaden, ſhall before the landing ſuch goods make oath before his Majeſty's ambaſſador, or the conſul or vice conſul of the port of diſcharge of the ſaid ſhip, thereby ſetting forth according to the beſt of his remembrance and belief the purport of ſuch certificate, and that the ſame is ſo loſt, and that he doth not know what is become thereof, and that the ſame hath not been with his conſent or knowledge diſpoſed of to any perſon; and the ſaid maſter or perſon navigating the ſaid ſhip, or the conſignee of the goods, ſhall alſo give ſecurity, in the penalty of double the value of the goods, to his Majeſty's ambaſſador, or to the conſul or vice conſul, or perſon acting as ſuch, of the port where the ſaid goods are imported, for procuring and delivering to his Majeſty's ambaſſador, *&c.* within a reaſonable time by him appointed, a duplicate of ſuch certificate ſo loſt: and upon making ſuch oath, and giving ſuch ſecurity, his Majeſty's ambaſſador, *&c.* ſhall grant the ſaid maſter, or the conſignee of the ſaid cargo, licence to import the goods mentioned in the ſaid oath; and the ſame ſhall thereupon be lawfully landed and imported.

XXII. *Sect.* 10. Nothing in this act ſhall hinder the ſhipping, importing, or diſpoſing of any woollen goods or woollen manufacture of any country, taken from the enemies of *Great Britain* and condemned as lawful prize.

XXIII. *Sect.* 11. At the time of the importation of ſuch prize cloths, a copy of the ſentence of condemnation ſigned by the perſon condemning the ſame, ſhall be delivered to the conſul, or perſon acting as ſuch, at the port of importation.

XXIV. *Sect.* 12. In caſe any raw ſilk or mohair yarn, or any ſhip bringing the ſame into *England*, *Ireland*, *Wales*, *Guernſey* or *Jerſey*, or *Berwick*, be ſeized as forfeited by 12 *Car.* 2. *cap.* 18. 6 *Geo.* 1. *cap.* 14. and 13 & 14 *Car.* 2. *cap.* 11. it ſhall not be lawful for the perſon who makes ſuch ſeizure, to releaſe the ſame, or delay to proceed to judgement for the condemnation thereof, without firſt acquainting the governor, deputy governor, treaſurer, or huſband, of the ſaid company, or their ſecretary, by writing, of his intentions to relinquiſh ſuch ſeizure; and ſuch perſon ſhall at the ſame time deliver to the ſaid governor, *&c.* a copy of the ſchedule of ſuch ſeizure: and in caſe the ſaid governor and company, or any committee thereof, within ſeven days after ſuch notice, offer to give bond under the common ſeal of their corporation in the penal ſum of 1000 *l.* with condition for indemnifying ſuch perſon from all coſts and expences, in caſe ſuch ſhip or goods ſo ſeized be not adjudged forfeited, then ſuch perſon ſhall not voluntarily relinquiſh ſuch ſeizure,

or omit to commence, nor diſcontinue any proceedings for the condemnation of ſuch ſhip or goods without the conſent of the ſaid company or ſome committee thereof; but ſhall with all convenient ſpeed proceed to judgement concerning the legality of ſuch ſeizure.

XXV. *Sect.* 13. Any member of the ſaid company ſhall be admitted to give evidence, either for the plaintiff or relator or defendant, upon any trial hearing or examination concerning the condemnation or legality of the ſeizure of the goods or ſhip, to which any ſuch bond relates.

XXVI. *Sect.* 14. This act ſhall be deemed a public act.

XXVII. *Sect.* 15. If any perſon be ſued for any thing done in purſuance of this act, he may plead the general iſſue; and if a verdict paſs for the defendant, *&c.* ſuch defendant ſhall have treble coſts.

XXVIII. *Sect.* 16. This act ſhall continue during the preſent war with *France.* EXP.

Vagrants.

XLV. **Stat.** 14 *Geo.* 2. *cap.* 33. *ſect.* 2. The juſtices of peace of any county or diviſion at their general or quarter-ſeſſions, where there are no aſſizes, great ſeſſion, or general gaol delivery held, upon the preſentment of the grand jury, ſhall have as full power to repair or enlarge any houſe of correction, or to purchaſe any houſe for a houſe of correction, or to build any houſe of correction, or to purchaſe land to erect ſuch houſe of correction upon, and to make a convenient backſide thereto, as if ſuch preſentment had been made at the aſſizes, great ſeſſion, or general gaol delivery, as is directed by 13 *Geo.* 2. *cap.* 24. *repealed, ſee* 17 Geo. 2. cap. 5. ſect. 30, & 34. and by the ſame ways as are provided by the ſaid act.

XLVI. *Sect.* 3. It ſhall be lawful for any juſtice of peace to ſend any perſon apprehended as a vagabond to the houſe of correction in the county or diviſion where he dwells, or to any other houſe of correction in the next county, *&c.* as is moſt convenient for the paſſing ſuch perſon.

XLVII. **Stat.** 17 *Geo.* 2. *cap.* 5. *ſect.* 1. All perſons who threaten to run away and leave their wives or children to the pariſh, and all perſons who unlawfully return to ſuch pariſh or place from whence they have been legally removed by order of two juſtices of peace without bringing a certificate from the pariſh whereunto they belong, and all perſons who not having wherewith to maintain themſelves live idle and refuſe to work for the uſual wages, and all perſons going about from door to door, or placing themſelves in ſtreets, highways or paſſages, to beg alms in the pariſhes where they dwell, ſhall be deemed idle and diſorderly perſons; and it ſhall be lawful for any juſtice of peace to commit ſuch offenders (being convicted by his own view, or by confeſſion, or by the oath of one witneſs) to the houſe of correction, there to be kept to hard labour for any time not exceeding one month: and it ſhall be lawful for any perſon to apprehend and carry before a juſtice any ſuch perſons going about from door to door, or placing themſelves in ſtreets, highways or paſſages, to beg alms in the pariſhes where they dwell; and if they reſiſt or eſcape, they ſhall be ſubject to the ſame puniſhment as rogues and vagabonds are made liable to by this act: and it ſhall be lawful for the ſaid juſtice, by warrant to order any overſeer of the poor of the pariſh or place where ſuch offender is apprehended, to pay 5 *s.* to any perſon apprehending them, for every offender ſo apprehended; which ſhall be allowed to ſuch overſeer in his account, he producing the juſtice's order, and a receipt under the hand of the perſon to whom ſuch ſum was paid: but if ſuch overſeer neglect to pay the ſaid ſum, the ſaid juſtice, on oath thereof made, may by warrant order the ſame to be levied by diſtreſs and ſale of the goods of ſuch overſeer; who in ſuch caſe ſhall not be allowed the ſum ſo levied in his account.

XLVIII. *Sect.* 2. All perſons going about as patent-gatherers, or gatherers of alms, under pretences of loſs by fire or other caſualty, or going about as collectors for priſons or hoſpitals, all fencers and bearwards, all common players of interludes, and all

all perſons who for hire or reward act or cauſe to be acted any interlude or entertainment of the ſtage, or any part therein, not being authorized by law; all minſtrels, jugglers, all perſons pretending to be gypſies, or wandering in the habit of Egyptians, or pretending to have ſkill in phiſiognomy, palmeſtry, or like crafty ſcience, or pretending to tell fortunes, or uſing any ſubtil craft to deceive, or playing or betting at unlawful games, and all perſons who run away and leave their wives or children to the pariſh, and all petty chapmen and pedlars wandring abroad, not being licenſed or authorized by law, and all perſons wandring abroad, and lodging in alehouſes, barns, outhouſes, or in the open air, not giving a good account of themſelves, and all perſons wandring abroad and begging, pretending to be ſoldiers, marines, ſeafaring men, or pretending to go to work in harveſt, and all others wandering abroad and begging, ſhall be deemed rogues and vagabonds.

XLIX. *Sect.* 3. This act ſhall not extend to ſoldiers wanting ſubſiſtence, having certificates from their officers or the ſecretary at war, or to ſeafaring men licenſed by ſome teſtimonial under the hand and ſeal of ſome juſtice of peace, ſetting down the time and place of their landing or diſcharge, and the place to which ſuch ſoldiers or marines are to paſs, and the names of the chief towns through which they are to paſs, and limiting the time of their paſſage, while they continue in the way to the place to which they are to paſs, and during the time ſo limited; or to any perſon going abroad to work in harveſt, ſo as he carry with him a certificate ſigned by the miniſter and one of the churchwardens or overſeers of the poor of the pariſh where he inhabits, declaring that he hath a dwelling-houſe or place there in which he inhabits.

L. *Sect.* 4. All end-gatherers offending againſt 13 *Geo.* 1. *cap.* 23. Wool. and being convicted, and all perſons apprehended as rogues and vagabonds and eſcaped from the perſons apprehending them, or refuſing to go before a juſtice or to be examined upon oath or to be conveyed by any ſuch paſs as is herein after directed, or knowingly giving a falſe account of themſelves, after warning given them of their puniſhment, and all rogues and vagabonds who break or eſcape out of any houſe of correction before the expiration of the term for which they were committed, and all perſons who after having been puniſhed as rogues and vagabonds and diſcharged, again commit any of the ſaid offences, ſhall be deemed incorrigible rogues.

LI. *Sect.* 5. It ſhall be lawful for any perſon to apprehend offenders againſt this act, and to convey to ſome juſtice of peace the perſons ſo apprehended, to be proceeded againſt as is herein after directed. And in caſe any conſtable or other ſuch officer refuſe or neglect to uſe his beſt endeavours to apprehend or convey to ſome juſtice any ſuch offender, it ſhall be deemed a neglect of duty, and he ſhall be puniſhed as is herein after directed: and in caſe any other perſon charged by any juſtice ſo to do, refuſe or neglect to uſe his beſt endeavours to apprehend and deliver to the conſtable, or ſuch other officer, or to carry ſuch offender before ſome juſtice, where no officer can be found, being convicted upon view, or by the oath of one witneſs, before a juſtice, he ſhall forfeit 10 *s.* to the uſe of the poor of the pariſh; to be levied by diſtreſs and ſale of goods, by warrant from any juſtice: and in caſe any perſon, not being a conſtable or officer, apprehend any ſuch rogue or vagabond, and deliver him to a conſtable, or other ſuch officer, or convey him to ſome juſtice, according to this act; or if any conſtable, or other ſuch officer, ſo apprehend and convey ſuch rogue or vagabond; it ſhall be lawful for ſuch juſtice to reward any ſuch conſtable or other perſon, by making an order under hand and ſeal upon the high conſtable, to pay 10 *s.* to the perſon ſo apprehending him, within one week after demand and producing ſuch order and giving a receipt; and the ſame ſhall be allowed by the treaſurer of the county or liberty to ſuch high conſtable, on his paſſing his accounts and delivering ſuch order and receipt, and alſo his own receipt for the ſame, to ſuch treaſurer; and the ſaid juſtices at the general or quarter-ſeſſions ſhall allow the ſame to ſuch treaſurer in his accounts, upon his producing the vouchers aforeſaid: and in cities and places where there are no high conſtables, ſuch petty conſtables and other officers ſhall pay or retain ſuch reward, and be allowed it by virtue of this act in their reſpective accounts, upon their producing and delivering up the like vouchers: and in caſe any high conſtable, or where there is no high conſtable, ſuch petty conſtable, or other officer, refuſe or neglect to pay ſuch reward on demand, it ſhall be

be lawful for ſuch juſtice, by warrant, to levy the ſum of 20*s.* by diſtreſs and ſale of goods, and thereout to allow to the perſon intitled, the ſaid reward of 10*s.* and ſuch other recompence for his trouble time and expences, as the ſaid juſtice thinks fit.

LII. *Sect.* 6. The juſtices of peace for every county, town corporate, diviſion, or liberty, or any two of them, ſhall, four times in the year, or oftner, if need be, meet in their reſpective diviſions, and by their warrant command the conſtables or other peace-officers of every hundred, pariſh, town, and hamlet, (who ſhall be aſſiſted with ſufficient men of the ſame places) to make a general privy ſearch in one night throughout their ſeveral limits, for the apprehending of rogues and vagabonds; and every juſtice ſhall, on receiving information that rogues and vagabonds are in any place within his juriſdiction, iſſue his warrant to the conſtable or other officer of ſuch place, to ſearch for and apprehend them; and ſuch rogues and vagabonds as they apprehend upon ſuch ſearches, they ſhall cauſe to be brought before any juſtice of peace of the ſame county, *&c.*

LIII. *Sect.* 7. Where any rogues or vagabonds apprehended by any conſtable or other perſon, or upon ſuch ſearch, are brought before any juſtice, ſuch juſtice ſhall inform himſelf, by the examination upon oath of the perſon apprehended, or of any other perſon, of the condition and circumſtances of the perſon ſo apprehended, and of the pariſh where he was laſt legally ſettled; the ſubſtance of which examination ſhall be put into writing, and be ſigned by the perſon examined and by the juſtice, and be tranſmitted to the next general or quarter-ſeſſions of the peace, there to be filed; and ſuch juſtice ſhall order all ſuch perſons ſo apprehended, to be publicly whipt by the conſtable, petty conſtable, or tythingman, or ſome other perſon appointed by ſuch conſtable, *&c.* of ſuch pariſh or place where ſuch perſons were apprehended: or order ſuch perſons to be ſent to the houſe of correction until the next general or quarter ſeſſions, or for any leſs time; and after ſuch whipping or confinement, ſuch juſtice may, by a paſs under hand and ſeal in the manner and form hereafter directed, cauſe ſuch perſons to be conveyed to the place of their laſt legal ſettlement; but if it cannot be found, then to the place of their birth; or if ſuch perſons be under the age of 14 years and have any father or mother living, then to the place of abode of ſuch father or mother, there to be delivered to ſome churchwarden or overſeer of the poor; which paſs ſhall be in the form or to the effect following:

To the conſtable of in the county of or to the tythingman, or other officer (as the caſe is; or if the offender is committed to the houſe of correction, then to the governor or maſter thereof) *and alſo to all conſtables and other officers whom it may concern, to receive and convey; and to the church-wardens, chapel-wardens, or overſeers of the poor of the pariſh, town, or place* (as the caſe is) *of in the county of or either of them, to receive and obey.*

Whereas was (or *were*) *apprehended in the pariſh of* (or *in the town of* or other place, deſcribing it) *as a rogue and vagabond*, or *as rogues and vagabonds*, viz. *wandering and begging there* (or as the caſe ſhall be) *and upon examination of the ſaid taken before upon oath (which examination is hereunto annexed) it doth appear, that his, her, or their laſt legal ſettlement is at in this county* (or, *in the county of* or, *that the ſaid was* (or *were*) *born in the pariſh of in this county* (or, *in the county of*) *and hath* (or *have*) *not ſince obtained any legal ſettlement; or that the ſaid is* (or *are*) *under the age of 14 years, and hath* (or *have*) *a father or mother living or abiding in the pariſh* (or *town*) *of* (or other place, deſcribing it.) *Theſe are therefore to require you the ſaid conſtable, or other officer*, (or *governor or maſter of the houſe of correction* (as the caſe ſhall be) *to convey the ſaid in the next direct way to the ſaid pariſh* (or *town*) *of* (or other place) *within the ſaid county, and there to deliver him* (*her* or *them*) *to ſome church-warden, chapel-warden, or overſeer of the poor of the ſame*

pariſh (town or *place) to be there provided for according to law* (or in caſe the ſaid pariſh, town, or place, to which ſuch perſon is to be ſent, lies in ſome other county or franchiſe having ſeparate general or quarter-ſeſſions of the peace, then the form ſhall be as followeth, *viz.*) *To convey the ſaid to the pariſh* (or *town) of that being the firſt pariſh* (or *town) in the next precinct through which he (ſhe* or *they) ought to paſs in the direct way to the ſaid pariſh* (or *town) of to which he (ſhe* or *they) is* (or *are) to be ſent, and to deliver him (her* or *them) to the conſtable, or other officer of ſuch firſt town* (or *pariſh) in ſuch next precinct, together with this paſs, and the duplicate of the examination of the ſaid taking his receipt for the ſame; and the ſaid is* (or *are) to be thence conveyed on in like manner to the ſaid pariſh* (or *town) of there to be delivered to ſome church-warden, chapel-warden, or overſeer of the poor of the ſame pariſh (town* or *place) to be there provided for according to law;) and you the ſaid church-wardens, chapel-wardens, and overſeers of the poor, are hereby required to receive the ſaid perſon* (or *perſons) and provide for him (her* or *them) as aforeſaid.*

LIV. *Sect.* 8. Such juſtice ſhall make a duplicate of ſuch paſs and examination, and ſign the ſame; and ſhall tranſmit the duplicate of the ſaid paſs annexed to the examination, to the next general or quarter-ſeſſions of the peace, there to be filed; and ſhall annex the duplicate of the examination to the paſs, and ſend it with the ſame; and the ſaid paſs, examination, and duplicates, may be read in any court of record in *England*, *Wales*, or *Berwick*, as evidence.

LV. *Sect.* 9. Where any offender againſt this act is committed to the houſe of correction until the next general or quarter-ſeſſions, and the juſtices at ſuch ſeſſions adjudge ſuch perſon a rogue or vagabond, or an incorrigible rogue, they may order ſuch rogue or vagabond to be kept in the ſaid houſe of correction to hard labour, for any further time not exceeding ſix months; and ſuch incorrigible rogue, for any further time not exceeding two years, nor leſs than ſix months from the making ſuch order of ſeſſions; and during ſuch confinement to be corrected by whipping, in ſuch manner and at ſuch times and places within their juriſdictions, as they think fit; and ſuch perſon may afterwards be ſent away by ſuch paſs, *mutatis mutandis*, as aforeſaid; and if ſuch perſon, being a male, is above the age of 12 years, the juſtices at their ſeſſions may, at any time before he is diſcharged, ſend him to be employed in his Majeſty's ſervice, either by ſea or land. And in caſe any ſuch incorrigible rogue, ſo kept in the houſe of correction, before the expiration of the time for which he or ſhe is ſo detained, break out or eſcape from the ſaid houſe of correction, or offend again in like manner, ſuch perſon ſhall be deemed guilty of felony, and being convicted ſhall be tranſported for any time not exceeding ſeven years.

LVI. *Sect.* 10. The juſtice who makes the paſs, ſhall cauſe likewiſe to be delivered to the conſtable, or other officer appointed to convey them, a certificate aſcertaining how they are to be conveyed, by horſe, cart, or on foot, and what allowance ſuch officer is to have for conveying them (according to the rates appointed by the general or quarter-ſeſſions of the peace, as is herein after directed) in the form, or to the effect following, *viz.*

Whereas by a paſs (reciting the ſubſtance of the ſaid paſs) *I* (*or* we) *do hereby order and direct the ſaid perſon* (*or* perſons) *to be conveyed on foot* (*or* in a cart, *or* by horſe, *&c.*) *to the ſaid town* (*or* pariſh) *of in* (or other place, deſcribing it) *in the way to ſuch pariſh* (town *or place, as the caſe ſhall be) in days time; for which the ſaid conſtable* (&c.) *is to be allowed the ſum of and no more.*

Given under my hand (or *our hands*) this day, *&c.*

be lawful for ſuch juſtice, by warrant, to levy the ſum of 20*s.* by diſtreſs and ſale of goods, and thereout to allow to the perſon intitled, the ſaid reward of 10*s.* and ſuch other recompence for his trouble time and expences, as the ſaid juſtice thinks fit.

LII. *Sect.* 6. The juſtices of peace for every county, town corporate, diviſion, or liberty, or any two of them, ſhall, four times in the year, or oftner, if need be, meet in their reſpective diviſions, and by their warrant command the conſtables or other peace-officers of every hundred, pariſh, town, and hamlet, (who ſhall be aſſiſted with ſufficient men of the ſame places) to make a general privy ſearch in one night throughout their ſeveral limits, for the apprehending of rogues and vagabonds; and every juſtice ſhall, on receiving information that rogues and vagabonds are in any place within his juriſdiction, iſſue his warrant to the conſtable or other officer of ſuch place, to ſearch for and apprehend them; and ſuch rogues and vagabonds as they apprehend upon ſuch ſearches, they ſhall cauſe to be brought before any juſtice of peace of the ſame county, *&c.*

LIII. *Sect.* 7. Where any rogues or vagabonds apprehended by any conſtable or other perſon, or upon ſuch ſearch, are brought before any juſtice, ſuch juſtice ſhall inform himſelf, by the examination upon oath of the perſon apprehended, or of any other perſon, of the condition and circumſtances of the perſon ſo apprehended, and of the pariſh where he was laſt legally ſettled; the ſubſtance of which examination ſhall be put into writing, and be ſigned by the perſon examined and by the juſtice, and be tranſmitted to the next general or quarter-ſeſſions of the peace, there to be filed; and ſuch juſtice ſhall order all ſuch perſons ſo apprehended, to be publicly whipt by the conſtable, petty conſtable, or tythingman, or ſome other perſon appointed by ſuch conſtable, *&c.* of ſuch pariſh or place where ſuch perſons were apprehended: or order ſuch perſons to be ſent to the houſe of correction until the next general or quarter ſeſſions, or for any leſs time; and after ſuch whipping or confinement, ſuch juſtice may, by a paſs under hand and ſeal in the manner and form hereafter directed, cauſe ſuch perſons to be conveyed to the place of their laſt legal ſettlement; but if it cannot be found, then to the place of their birth; or if ſuch perſons be under the age of 14 years and have any father or mother living, then to the place of abode of ſuch father or mother, there to be delivered to ſome churchwarden or overſeer of the poor; which paſs ſhall be in the form or to the effect following:

To the conſtable of in the county of or to the tythingman, or other officer (as the caſe is; or if the offender is committed to the houſe of correction, then to the governor or maſter thereof) *and alſo to all conſtables and other officers whom it may concern, to receive and convey; and to the church-wardens, chapel-wardens, or overſeers of the poor of the pariſh, town, or place* (as the caſe is) *of in the county of or either of them, to receive and obey.*

Whereas was (or *were*) *apprehended in the pariſh of* (or *in the town of* or other place, deſcribing it) *as a rogue and vagabond*, or *as rogues and vagabonds*, viz. *wandering and begging there* (or as the caſe ſhall be) *and upon examination of the ſaid taken before upon oath (which examination is hereunto annexed) it doth appear, that his, her, or their laſt legal ſettlement is at in this county* (or, *in the county of* or, *that the ſaid was* (or *were*) *born in the pariſh of in this county* (or, *in the county of*) *and hath* (or *have*) *not ſince obtained any legal ſettlement; or that the ſaid is* (or *are*) *under the age of* 14 *years, and hath* (or *have*) *a father or mother living or abiding in the pariſh* (or *town*) *of* (or other place, deſcribing it.) *Theſe are therefore to require you the ſaid conſtable, or other officer,* (or *governor or maſter of the houſe of correction* (as the caſe ſhall be) *to convey the ſaid in the next direct way to the ſaid pariſh* (or *town*) *of* (or other place) *within the ſaid county, and there to deliver him* (*her* or *them*) *to ſome church-warden, chapel-warden, or overſeer of the poor of the ſame*

pariſh (town or *place) to be there provided for according to law* (or in caſe the ſaid pariſh, town, or place, to which ſuch perſon is to be ſent, lies in ſome other county or franchiſe having ſeparate general or quarter-ſeſſions of the peace, then the form ſhall be as followeth, *viz.*) *To convey the ſaid to the pariſh* (or *town) of that being the firſt pariſh* (or *town) in the next precinct through which he (ſhe* or *they) ought to paſs in the direct way to the ſaid pariſh* (or *town) of to which he (ſhe* or *they) is* (or *are) to be ſent, and to deliver him (her* or *them) to the conſtable, or other officer of ſuch firſt town* (or *pariſh) in ſuch next precinct, together with this paſs, and the duplicate of the examination of the ſaid taking his receipt for the ſame; and the ſaid is* (or *are) to be thence conveyed on in like manner to the ſaid pariſh* (or *town) of there to be delivered to ſome church-warden, chapel-warden, or overſeer of the poor of the ſame pariſh (town* or *place) to be there provided for according to law;) and you the ſaid church-wardens, chapel-wardens, and overſeers of the poor, are hereby required to receive the ſaid perſon* (or *perſons) and provide for him (her* or *them) as aforeſaid.*

LIV. *Sect.* 8. Such juſtice ſhall make a duplicate of ſuch paſs and examination, and ſign the ſame; and ſhall tranſmit the duplicate of the ſaid paſs annexed to the examination, to the next general or quarter-ſeſſions of the peace, there to be filed; and ſhall annex the duplicate of the examination to the paſs, and ſend it with the ſame; and the ſaid paſs, examination, and duplicates, may be read in any court of record in *England*, *Wales*, or *Berwick*, as evidence.

LV. *Sect.* 9. Where any offender againſt this act is committed to the houſe of correction until the next general or quarter-ſeſſions, and the juſtices at ſuch ſeſſions adjudge ſuch perſon a rogue or vagabond, or an incorrigible rogue, they may order ſuch rogue or vagabond to be kept in the ſaid houſe of correction to hard labour, for any further time not exceeding ſix months; and ſuch incorrigible rogue, for any further time not exceeding two years, nor leſs than ſix months from the making ſuch order of ſeſſions; and during ſuch confinement to be corrected by whipping, in ſuch manner and at ſuch times and places within their juriſdictions, as they think fit; and ſuch perſon may afterwards be ſent away by ſuch paſs, *mutatis mutandis*, as aforeſaid; and if ſuch perſon, being a male, is above the age of 12 years, the juſtices at their ſeſſions may, at any time before he is diſcharged, ſend him to be employed in his Majeſty's ſervice, either by ſea or land. And in caſe any ſuch incorrigible rogue, ſo kept in the houſe of correction, before the expiration of the time for which he or ſhe is ſo detained, break out or eſcape from the ſaid houſe of correction, or offend again in like manner, ſuch perſon ſhall be deemed guilty of felony, and being convicted ſhall be tranſported for any time not exceeding ſeven years.

LVI. *Sect.* 10. The juſtice who makes the paſs, ſhall cauſe likewiſe to be delivered to the conſtable, or other officer appointed to convey them, a certificate aſcertaining how they are to be conveyed, by horſe, cart, or on foot, and what allowance ſuch officer is to have for conveying them (according to the rates appointed by the general or quarter-ſeſſions of the peace, as is herein after directed) in the form, or to the effect following, *viz.*

Whereas by a paſs (reciting the ſubſtance of the ſaid paſs) *I* (*or* we) *do hereby order and direct the ſaid perſon* (*or* perſons) *to be conveyed on foot* (*or* in a cart, *or* by horſe, *&c.*) *to the ſaid town* (*or* pariſh) *of in* (or other place, deſcribing it) *in the way to ſuch pariſh* (town *or place, as the caſe ſhall be*) *in days time; for which the ſaid conſtable* (&c.) *is to be allowed the ſum of and no more.*

Given under my hand (or *our hands*) this day, *&c.*

LVII. *Sect.* 11. The conſtable, or officer, who receives ſuch paſs and certificate, ſhall convey the perſon named in ſuch paſs, in ſuch manner, and in ſuch time, as by the ſame paſs is directed, the next direct way to the place where he or ſhe is to be ſent, if ſuch place be in the ſame county or franchiſe where the ſaid perſon was apprehended; but if the place to which the perſon ſo apprehended is to be ſent, lies in ſome other county or franchiſe, he ſhall deliver the ſaid perſon to the conſtable or other ſuch officer of the firſt town or place in the next county or franchiſe, in the direct way to the place to which ſuch perſon is to be conveyed, together with the ſaid paſs and duplicate of examination, taking his receipt for the ſame; and ſuch conſtable, or other officer, ſhall without delay apply to ſome juſtice of peace in the ſame county or franchiſe; who ſhall make the like certificate as before (*mutatis mutandis*) and deliver it to the ſaid conſtable or other officer, who ſhall convey the perſon unto the firſt pariſh or place in the next county or franchiſe in the direct way to the place to which ſuch perſon is to be conveyed; and ſo in like manner from one county or franchiſe to another, till they come to the place to which ſuch perſon is ſent; and the conſtable or other officer, who delivers ſuch perſon to the church-warden or other perſon ordered to receive him by ſuch paſs, ſhall deliver the ſaid paſs with the duplicate of examination, taking their receipt for the ſame; and if the church-warden or perſon who receives any perſon ſo ſent, think the examination to be falſe, he is hereby impowered to carry the perſon ſo ſent before ſome juſtice of peace, who, if he ſee cauſe, may commit ſuch perſon to the houſe of correction, till the next quarter-ſeſſions, and the juſtices there, if they ſee cauſe, may deal with ſuch perſon as an incorrigible rogue; but the perſon ſo ſent ſhall not be removed from the place to which ſent, but by order of two juſtices, in the ſame manner as other poor perſons are removed to the place of their ſettlement.

LVIII. *Sect.* 12. It ſhall be lawful for any juſtice of peace, before whom any vagrants are carried, to order ſuch vagrants to be ſearched, and their bundles to be inſpected by the conſtable, tythingman, church-warden, or overſeer of the poor, in the preſence of the ſaid juſtice; and if it appear, that any ſuch vagrants have ſufficient to pay for their paſſage, either in the whole or in part, to the pariſh to which they belong, then the ſaid juſtice ſhall order ſo much of the money to be paid, or other effects found upon ſuch vagrants to be ſold, and employed towards the expence of taking up and paſſing ſuch vagrants, returning the overplus (if any be) after deducting the charges of ſuch ſale to ſuch vagrants.

LIX. *Sect.* 13. The conſtable or other officer of any pariſh or place in the counties of *Cumberland*, *Northumberland*, *Durham*, or town of *Berwick*, ſhall, upon any perſon being delivered to them by a paſs and examination, according to the direction of this act, whoſe place of legal ſettlement is in *Scotland*, deliver the ſaid examination to the clerk of the peace for ſuch reſpective county, to be kept among the records of the ſeſſions of that county, and convey ſuch perſon with the ſaid paſs, into the next adjoining ſhire, ſtewartry, or place in *Scotland*, and deliver him to ſome conſtable or other officer of the next pariſh or diſtrict, within the ſaid ſhire, *&c.* taking his receipt for him, and ſuch officer ſhall receive ſuch perſon, and give ſuch receipt, and diſpoſe of him according to law; and in caſe any ſuch vagrant, after being ſo ſent into *Scotland*, be found wandering, begging, or miſbehaving in *England*, he ſhall be deemed an incorrigible rogue, and be puniſhed as ſuch.

LX. *Sect.* 14. Every maſter of any ſhip or pacquet boat bound for *Ireland*, the iſles of *Man*, *Jerſey*, *Guernſey*, or *Scilly*, ſhall, upon warrant to him directed under the hand and ſeal of a juſtice of the peace of the county or place where ſuch ſhip lies, take on board the ſame ſuch vagrants as be named in the ſaid warrant, and convey them to ſuch place in *Ireland*, the iſles of *Man*, *Jerſey*, *Guernſey*, or *Scilly*, as ſuch ſhip is bound to, or ſhall arrive at; and for the charges thereof ſuch maſter ſhall take, and the conſtable or perſon who ſerves him with the ſaid warrant ſhall pay him ſuch rate *per* head, as the juſtices of the peace at their quarter-ſeſſions appoint; and ſuch maſter ſhall, on the back of the ſaid warrant, ſign a receipt for the money, and alſo for the vagrants; which warrant ſo endorſed ſhall then be produced to the juſtice who ſigned the ſame, and upon his allowance thereof, under his hand, the money ſo paid ſhall be repaid by the

the county, in ſuch manner as by this act the money to be paid for conveying vagrants is directed; and every maſter of ſuch ſhip neglecting or refuſing to receive or tranſport ſuch vagrants, or to indorſe and ſign ſuch receipt, ſhall forfeit 5 *l.* to the uſe of the poor of the pariſh; to be levied by diſtreſs and ſale of the ſhip, or any goods within the ſame, by warrant of any juſtice for the ſame county, *&c.*

LXI. *Sect.* 15. Provided that no maſter of any ſhip be compelled to take on board more than one vagrant for every 20 tons burthen of ſuch ſhip.

LXII. *Sect.* 16. The juſtices of peace of any county, *&c.* ſhall at the general or quarter-ſeſſions of the peace, appoint what rates *per* mile, or otherwiſe, ſhall be made for the paſſing or maintaining of rogues, vagabonds, or incorrigible rogues; and may likewiſe make ſuch other orders for the more regular proceeding therein, within their reſpective juriſdictions, as they think proper; which rates and orders ſhall be obſerved by all juſtices conſtables and other perſons within the ſame juriſdictions.

LXIII. *Sect.* 17. In caſe any petty conſtable, or other ſuch officer of any pariſh or place, bring to any high conſtable any ſuch certificate as aforeſaid, aſcertaining how and for what rates he is required to convey any vagabonds, *&c.* together with a receipt from any conſtable or other perſon to whom the perſon ſo to be conveyed was delivered, the ſaid high conſtable ſhall pay unto ſuch petty conſtable the rates aſcertained by ſuch certificate, taking from ſuch petty conſtable ſuch certificate, and his receipt for the ſame; and the ſaid high conſtable ſhall be allowed the ſame by the treaſurer of the county, *&c.* on his paſſing his accounts, upon his producing and delivering up ſuch certificate and receipt, and giving his own receipt to ſuch treaſurer; and the juſtices at the general or quarter-ſeſſions ſhall allow the ſame to ſuch treaſurer in his accounts, upon his producing and delivering up the vouchers aforeſaid: and in caſe any high conſtable refuſe or neglect to pay the ſaid petty conſtable, or other perſon, the rates aſcertained by ſuch certificate and receipt, on demand, it ſhall be lawful for any juſtice, by warrant to levy double the ſum, by diſtreſs and ſale of goods, and thereout to allow the ſaid petty conſtable, or other perſon, the ſum aſcertained by ſuch certificate and receipt, and ſuch other recompence for his trouble time and expences, as the ſaid juſtice thinks fit; and the overplus (if any) ſhall be returned to ſuch high conſtable upon demand; and in cities and places where there is no high conſtable, ſuch petty conſtables or other officers ſhall be allowed what they ſo pay purſuant to ſuch certificate, in their accounts, upon their producing and delivering up ſuch vouchers; or in caſe any maſter of a houſe of correction deliver ſuch certificate and receipt to any treaſurer, ſuch treaſurer ſhall pay the rates therein aſcertained to ſuch maſter of a houſe of correction, taking his receipt, which ſhall be allowed to ſuch treaſurer in his accounts, on his producing and delivering up ſuch vouchers.

LXIV. *Sect.* 18. In caſe any ſuch petty conſtable, or other officer, or maſter of any houſe of correction, counterfeit any ſuch certificate, receipt, or note, or make, or knowingly permit to be made, any alteration therein, he ſhall forfeit 50 *l.* and in caſe he convey not the perſons to the place where they ought to be conveyed, or deliver them not to the proper perſon, or if any conſtable or other perſon refuſe to receive any ſuch perſons ſent to them, or to give a receipt as before directed, the conſtable or other perſon ſhall forfeit 20 *l.* which forfeiture ſhall be levied by diſtreſs and ſale of the offender's goods, by warrant of the juſtices where ſuch offence is committed, at their general or quarter-ſeſſions; one moiety to be paid to the perſon who firſt makes information, and the other moiety to the treaſurer of the county or place, to be applied as part of the public ſtock; and the overplus (if any) ſhall be returned to ſuch conſtable, *&c.* upon demand.

LXV. *Sect.* 19. The pariſh or place to which any rogue, vagabond, or incorrigible rogue, is conveyed by paſs as aforeſaid, ſhall employ in work, or place in ſome workhouſe or alms-houſe, the perſon ſo conveyed to them, until he or ſhe betake themſelves to ſome ſervice or employment: and in caſe any ſuch perſon refuſe to work, the overſeers of the poor of the ſame pariſh may cauſe ſuch perſon to be carried before ſome juſtice of peace, in order to be ſent to the houſe of correction, there to be kept to hard labour.

LXVI. *Sect.* 20. Where perſons by lunacy or otherwiſe are furiouſly mad, and dangerous to be permitted to go abroad, it ſhall be lawful for two juſtices where ſuch lunatic

lunatic is found, by warrant directed to the conſtables, church-wardens, and overſeers of the poor of the pariſh or place, to cauſe ſuch perſon to be apprehended, and kept ſafely locked up in ſome ſecure place, within the county or precinct as ſuch juſtices direct, and if ſuch juſtices find it neceſſary, to be there chained; if the laſt legal ſettlement of ſuch perſon be in any place within ſuch county, and if ſuch ſettlement be not there, ſuch perſon ſhall be ſent to the place of his laſt legal ſettlement by a paſs, *mutatis mutandis*, as aforeſaid, and ſhall be locked up or chained, by warrant of two juſtices of the county or precinct to which ſuch perſon is to be ſent; and the charges of removing, and of maintaining, and curing ſuch perſon during ſuch reſtraint (which ſhall be for ſuch time only as ſuch madneſs continues) ſhall be paid (being firſt proved upon oath) by order of two juſtices, directing the church-wardens or overſeers where any goods, lands or tenements of ſuch perſon be, to ſeize and ſell ſo much of the goods, or receive ſo much of the rents of the lands as is neceſſary to pay the ſame, and to account for what is ſo ſeized ſold or received, to the next quarter-ſeſſions; but if ſuch perſon hath not an eſtate to pay the ſame, over and above what is ſufficient to maintain his or her family, then ſuch charges ſhall be paid by the pariſh or place to which ſuch perſon belongs, by order of two juſtices directed to the church-wardens or overſeers.

LXVII. *Sect.* 21. This act ſhall not abridge the prerogative of the King, or the power of the lord chancellor, or the chancellor or vice chancellor of the county palatine of *Lancaſter*, or of the chamberlain or vice chamberlain of the county palatine of *Cheſter*, concerning ſuch lunatics, or reſtrain any friend or relation of ſuch lunatics from taking them under their own care.

LXVIII. *Sect.* 22. In caſe any conſtable or other officer or maſter of any houſe of correction, be negligent in his duty in the execution of this act, in any caſe, for which no puniſhment is particularly provided, or in caſe any perſon diſturb the execution of this act, or reſcue any perſon apprehended or paſſing by virtue thereof, or be aſſiſting to his or her eſcape, and be thereof convicted upon the oath of one witneſs before a juſtice, where ſuch offence is committed, the perſon ſo offending, for every ſuch offence ſhall forfeit any ſum not exceeding 5 *l.* nor leſs than 10 *s.* to the uſe of the poor of the pariſh, to be levied by diſtreſs and ſale of the offenders goods, by warrant from ſuch juſtice; and if ſufficient diſtreſs cannot be found, it ſhall be lawful for ſuch juſtice to commit the perſons ſo offending to the houſe of correction, there to be kept to hard labour for any time not exceeding two months.

LXIX. *Sect.* 23. If any perſon ſhall knowingly permit any rogue, vagabond, or incorrigible rogue, to lodge in his or her houſe, barn, or other out-houſe or buildings, and ſhall not apprehend and carry ſuch vagabond, *&c.* before ſome juſtice, or give notice to ſome conſtable, or other officer ſo to do; ſuch perſon being thereof convicted, either on confeſſion, or upon oath of one witneſs before a juſtice where ſuch offence is committed, ſhall forfeit any ſum not exceeding 40 *s.* nor leſs than 10 *s.* one moiety to the informer, and the other moiety to the poor of the pariſh, to be levied by diſtreſs and ſale of goods, by warrant from ſuch juſtice; and if any charge be brought upon any pariſh or place, by means of any ſuch offence, the ſame ſhall be anſwered to the ſaid pariſh by ſuch offender, and be levied by diſtreſs and ſale of goods; and if ſufficient diſtreſs cannot be found, ſuch offender ſhall be committed to the houſe of correction by the juſtice, for any time not exceeding one month.

LXX. *Sect.* 24. And whereas perſons are often found offending againſt this act having children with them, if any ſuch child above the age of ſeven years be committed to the houſe of correction as aforeſaid, it ſhall be lawful for the juſtices at the quarter-ſeſſions, if they ſee convenient, at any time before ſuch child be diſcharged, to order ſuch child to be placed out in ſuch manner as they think fit, as a ſervant or apprentice to any perſon within their juriſdictions who is willing to take ſuch child, to ſerve ſuch perſon till ſuch child arrive at the age of 21 years, or for any leſs time: and if any offender who was found with ſuch child be again found with the ſame child (which was ſo placed out as aforeſaid) offending againſt this act, ſuch offender ſhall be deemed an incorrigible rogue.

LXXI. *Sect.* 25. And whereas women wandering and begging are often delivered of children in pariſhes to which they do not belong, where any ſuch woman is ſo delivered and becomes chargeable, it ſhall be lawful for the church-wardens or overſeers of the poor of ſuch pariſh or place, to detain ſuch woman in their cuſtody until they

can

can ſafely convey her to ſome juſtice of the peace; who ſhall examine her, and commit her to the houſe of correction, until the next general or quarter-ſeſſions; who may (if they ſee convenient) order her to be publicly whipt, and detained in the houſe of correction, for any further time, not exceeding ſix months; and upon application by the churchwardens or overſeers of the place where ſhe was ſo delivered, the juſtices at ſuch ſeſſions ſhall order the treaſurer of the county or diſtrict to pay them ſuch a ſum as is adjudged a ſatisfaction for the charges ſuch place has been put to on ſuch woman's account; and if ſuch woman be detained and conveyed to a juſtice as aforeſaid, the child of which ſhe is delivered, if a baſtard, ſhall not be ſettled in the place where ſo born, but the ſettlement of ſuch woman ſhall be deemed the ſettlement of ſuch child.

LXXII. *Sect.* 26. Any perſons aggrieved by any act of any juſtice out of ſeſſions, concerning the execution of this act, may appeal to the next general or quarter-ſeſſions of the county, *&c.* giving reaſonable notice thereof, whoſe order thereupon ſhall be final.

LXXIII. *Sect.* 27. In all cities and towns, where by ſpecial acts of parliament the charge of paſſing vagrants is to be defrayed in other manner than is by this act directed, or where ſuch vagrants, by virtue of ſpecial ſtatutes, are to be apprehended and conveyed to the places whither they are to be ſent by any perſons or officers, other than thoſe named for that purpoſe in this act, ſuch charge ſhall be defrayed in ſuch cities and towns as before the making of this act; and the perſon or officer liable to ſuch ſervice in the ſaid cities and towns, by the ſaid ſpecial acts of parliament, ſhall continue liable; and if any perſon be delivered to a bedel or conſtable within the city or liberties of the city of *London*, to be conveyed on, as directed by this act, the ſaid bedel or conſtable ſhall not deliver ſuch perſon in any other precinct within the ſaid city or liberties, but in the next county, as directed by this act.

LXXIV. *Sect.* 28. Where any perſons offending againſt this act, have been committed to the houſe of correction, until the next general or quarter-ſeſſions, if, upon the examination of the perſons ſo committed, no place can be found to which they may be ſent by a paſs, the ſaid juſtices ſhall at the ſaid ſeſſions order ſuch perſons to be detained and employed in the houſe of correction, until they can provide for themſelves, or until the juſtices at ſeſſions can place them out in ſome lawful calling, as ſervants, apprentices, ſoldiers, mariners, or otherwiſe, either within this realm, or his Majeſty's colonies in *America*, which the ſaid ſeſſions are impowered to do in ſuch manner as they think fit.

LXXV. *Sect.* 29. This act ſhall not prejudice the heirs or aſſigns of *John Dutton* of *Dutton* late of the county of *Cheſter* eſq; concerning the liberty which they lawfully may uſe within the county palatine of *Cheſter* and county of *Cheſter*.

LXXVI. *Sect.* 30. Upon the preſentment of the grand jury at the aſſizes, great ſeſſion, general or gaol delivery, held for any county or liberty, that there is no houſe of correction; or that the houſe of correction already provided therein is not ſufficient, and that it will be neceſſary to provide one or more; the juſtices of the peace of any county, *&c.* at the general or quarter-ſeſſions, ſhall have power to build or enlarge one or more fit houſes of correction, or to buy or hire one or more fit houſes for that purpoſe, with a convenient backſide adjoining, or to purchaſe land and erect ſuch houſe of correction upon part thereof, and to lay out the reſt for ſuch backſide; and the ſaid juſtices at the general or quarter-ſeſſions ſhall agree upon raiſing ſuch ſums as upon examination of workmen, or others, appear to be neceſſary for building or enlarging ſuch houſes of correction, or for purchaſing or hiring houſes or land for that purpoſe: and if it be thought neceſſary to buy any houſe or land, the houſe or land ſo purchaſed, ſhall be conveyed to ſuch perſons as the ſaid juſtices at ſeſſions think fit, in truſt and for the uſe aforeſaid.

LXXVII. *Sect.* 31. The juſtices of peace for any county, *&c.* at their general or quarter-ſeſſions ſhall take care that the houſes of correction already provided or hereafter to be provided within their reſpective juriſdictions (except ſuch houſes of correction as have been or ſhall be erected or maintained by any particular founder) be duly fitted up and ſupplied with ſufficient implements and furniture for keeping, relieving, ſetting to work, and correcting all idle and diſorderly perſons, rogues, vagabonds, incorrigible rogues,

and others, who be ſent to or confined in the ſame; and two juſtices within the reſpective hundreds or juriſdictions, where there is any houſe of correction, or any two juſtices appointed at the general or quarter-ſeſſions for that purpoſe, ſhall viſit the ſame twice, or oftner if need be, in every year, and examine into the eſtate and management thereof, and report the ſame to the next general or quarter-ſeſſions; to the intent, that if any thing be amiſs therein, the ſame may, by order of ſuch general or quarter-ſeſſions, be reformed; and the ſaid juſtices at their reſpective general or quarter-ſeſſions ſhall have the like power over the houſes of correction to be erected or purchaſed by virtue of this act, as they now have by law over thoſe already erected; and further, that if the maſters of the ſaid houſes of correction keep not the ſaid idle and diſorderly perſons, rogues, vagabonds, or incorrigible rogues to hard labour, and correct them according to the directions of the warrants by which they be committed or detained, or otherwiſe miſbehave, the ſaid juſtices at ſeſſions, are to impoſe ſuch fines upon them, as they think fit, in the ſame manner as fines may be impoſed on maſters of houſes of correction, for the neglect therein mentioned by 7 *Jac.* 1. *cap.* 4. Par. XIII. which fines ſhall be paid to the treaſurer of the county or diviſion, and ſhall be accounted for by him as part of the public ſtock; and the ſaid juſtices at their ſeſſions may appoint and remove the maſters, or other officers of ſuch houſes of correction, and make ſuch orders as they think fit, for the better governing the ſaid houſes of correction, and for employing, relieving, and puniſhing the perſons therein, or for ſending them to or from thence, which ſaid orders of ſuch juſtices ſhall be final: and no *certiorari* ſhall be granted for the removal of the ſame: and in caſe the perſon removed by order of any general or quarter-ſeſſions, neglect to quit the poſſeſſion of ſuch houſe of correction, from whence he is ordered to be removed, for ten days next after notice given him in writing by the clerk of the peace, it ſhall be lawful for any two juſtices (upon producing to them ſuch order of ſeſſions, or an atteſted copy thereof, and upon oath by one witneſs, of ſuch notice having been given to the perſon ſo removed, and of his having neglected to quit poſſeſſion) by warrant under their hands and ſeals, to direct the ſheriff of the ſame county or place, to remove him out of ſuch houſe of correction, and he is hereby required to clear the poſſeſſion thereof, in like manner as upon a writ of *habere facias poſſeſſionem*.

LXXVIII. *Sect.* 32. Where any offenders are committed by any juſtice to the houſe of correction for offences cogniſable out of the general or quarter-ſeſſions of the peace, and the time and manner of their puniſhment is not by law expreſly limited, the ſaid juſtice ſhall commit ſuch offender to the houſe of correction, there to be kept to hard labour until the next general or quarter-ſeſſions, or until diſcharged by due courſe of law; and it ſhall be lawful for two juſtices (of which the juſtice who committed ſuch offender to be one) to diſcharge the ſaid offender before the ſaid ſeſſions, if they ſee cauſe; and if he be not ſo diſcharged, the ſaid ſeſſions may either diſcharge him, or continue him in cuſtody for ſuch time as they ſee fit, not exceeding three months.

LXXIX. *Sect.* 33. The juſtices of peace at the general or quarter-ſeſſions, ſhall cauſe ſuch ſums as be neceſſary for the execution of this act, to be raiſed in the ſame manner as rates are directed to be raiſed by 12 *Geo.* 2. *cap.* 29. **County Rates.**

LXXX. *Sect.* 34. If any perſon be ſued for any thing done in execution of this act, he may plead the general iſſue; and if a verdict paſs for the defendant, *&c.* the defendant may recover treble coſts. And this act ſhall commence from the 1st of *June* 1744; and from that time 13 *Geo.* 2. *cap.* 24. ſhall be repealed; but all the acts therein mentioned to be repealed, are hereby declared to be repealed.

LXXXI. **Stat.** 25 *Geo.* 2. *cap.* 36. *ſect.* 12. It ſhall be lawful for any two juſtices of peace, in caſe any perſon apprehended upon any general privy ſearch, or by any ſpecial warrant, be charged before them with being a rogue and vagabond, or an idle and diſorderly perſon, or with ſuſpicion of felony, (although no direct proof be then made thereof) to examine ſuch perſon upon oath, not only as to the place where he was laſt legally ſettled, but alſo as to his means of livelihood; the ſubſtance of which examination ſhall be put into writing, and be ſigned by the perſon ſo examined; and the ſaid juſtices ſhall ſign the ſame, and tranſmit it to the next general or quarter-ſeſſions of the peace for the ſame county city or liberty, to be filed and kept on record: and

if

if ſuch perſon make it not appear to ſuch juſtices, that he has a lawful way of getting his livelihood, or procure not ſome reſponſible houſe-keeper to appear to his character, and give ſecurity for his appearance before ſuch juſtices, at ſome other day, (in caſe the ſame be required) to commit ſuch perſon to ſome priſon, or houſe of correction, for any time not exceeding ſix days; and in the mean time to order the overſeers of the poor of the pariſh or place in which ſuch perſon is apprehended, to inſert an advertiſement in ſome public paper, deſcribing ſuch ſuſpicious perſon, and any thing found upon him, or in his cuſtody, and which he is ſuſpected not to have come honeſtly by, and mentioning the place to which ſuch perſon is committed, and ſpecifying when and where ſuch perſon is to be again brought before them to be re-examined; and if no acculation be then laid againſt him, ſuch perſon ſhall be diſcharged, or otherwiſe dealt with according to law.

LXXXII. **Stat.** 26 *Geo.* 2. *cap.* 34. *ſect.* 2. All rogues, vagabonds, and incorrigible rogues, ſent by paſſes from one county, riding, diviſion, corporation, or franchiſe, into any other county, *&c.* ſhall be delivered to the conſtable or other ſuch officer, of the firſt town, pariſh, or place in the next county, *&c.* and ſhall be by ſuch conſtable, *&c.* conveyed forward in the manner by the 17 *Geo.* 2. *cap.* 5. directed; and the treaſurer of each county, *&c.* ſhall pay to ſuch conſtable, *&c.* the charges of conveying ſuch vagabonds, *&c.* upon ſuch conſtable's, *&c.* producing to him the certificate, and ſuch other vouchers as are required by the ſaid act to be delivered to the high conſtables; and the ſums ſo paid ſhall be allowed by the juſtices to ſuch treaſurer in his accounts, on his producing the vouchers aforeſaid, together with the receipt of the ſaid conſtable.

See **Plays**, &c.

Victuals.

XXVIII. **Stat.** 31 *Geo.* 2. *cap.* 28. *ſect.* 1. From the 24th of *June* 1758, the importation of ſalted beef, pork and butter, into this kingdom from *Ireland*, ſhall be permitted for ſix months from thence next enſuing; and all perſons ſhall be exempted from all cuſtoms or other impoſitions, and from all penalties for importing ſalted beef, pork and butter into this kingdom from *Ireland*, during the term aforeſaid.

XXIX. *Sect.* 2. After the ſaid 24th of *June* 1758, during the continuance of this act, there ſhall be paid to ſuch officer as the commiſſioners for the duties on ſalt appoint, at the port in *England* into which any ſuch ſalted beef, pork or butter ſhall be imported from *Ireland*, and before any part thereof be delivered out to the perſon to whom the ſame belongs or is conſigned, 1*s.* 3*d.* for every hundred weight of all ſuch ſalted beef or pork; and 4*d.* for every hundred weight of all ſuch ſalted butter; and ſo in proportion for any greater or leſſer quantity; the money ſo ariſing by the importation of the ſaid ſalted beef, pork or butter, to be paid into the exchequer as part of the duties on ſalt laid on by 5 *Geo.* 2. *cap.* 6.

XXX. *Sect.* 3. If any perſon during the continuance of this act land any ſuch ſalted beef, pork or butter into this kingdom from *Ireland*, before payment of the duty by this act directed, the ſame ſhall be forfeited, and 20*s.* *per* barrel for every barrel thereof; to be recovered of the importer or proprietor; and all ſuch forfeitures and penalties ſhall be diſtributed in manner following, *viz.* one moiety to the King, and the other moiety to the perſon who ſhall ſeize, ſue, or inform for the ſame; to be recovered by action of debt, *&c.* in any court of record at *Weſtminſter*.

XXXI. *Sect.* 4. No bounty ſhall be allowed for any ſuch ſalted beef or pork, ſo imported into this kingdom from *Ireland*, and exported from hence.

XXXII. *Sect.* 5. If any action be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue; and if the plaintiff be nonſuited, *&c.* the defendant ſhall recover treble coſts.

Victuals.

XXXIII. **Stat.** 32 *Geo.* 2. *cap.* 1. *ſect.* 1. The 31 *Geo.* 2. *cap.* 28. ſhall be continued until the 24th of *December* 1759, except ſuch parts relating to the payment of the duty, and to the recovering of penalties, as are amended or otherwiſe provided for by this act.

XXXIV. *Sect.* 2. The ſaid act ſhall extend to all kinds of ſalted pork and hog meat imported into *Great Britain* from *Ireland*, during the continuance of the ſaid act.

XXXV. *Sect.* 3. During the continuance of this act, there ſhall be paid for every barrel of ſalted beef or pork ſo imported as aforeſaid, containing 32 gallons, to the officer appointed by the ſaid former act, 3*s.* 4*d.* for duty, and ſo in proportion for any greater or leſſer quantity: and for every hundred weight of ſalted beef, called dried beef, or dried neats tongues, or dried hog meat, ſo imported, 1*s.* 3*d.*

XXXVI. *Sect.* 4. If any perſon during the continuance of this act land any ſuch ſalted beef, pork or butter, or any ſalted beef called dried beef, or dried neats tongues, or dried hog meat, imported from *Ireland*, as aforeſaid, before payment of the duty directed by this act, the ſame, together with the package, ſhall be forfeited; and the importer or proprietor ſhall alſo forfeit 20*s.* for every barrel of ſuch ſalted beef, pork or butter, and for every hundred weight of ſuch ſalted beef, called dried beef, or dried neats tongues, or dried hogs meat, ſo imported and landed: and it ſhall be lawful for any officer of the cuſtoms or duties upon ſalt to ſeize all ſuch commodities landed contrary to this and the former act; and all penalties inflicted by this act, ſhall be diſtributed as by the ſaid former act, and may be recovered either by the ways directed by the ſaid former act, or may be ſued for, recovered and mitigated by any of the laws of exciſe.

Continued to 24 Dec. 1761, *by* 1 Geo. 3. cap. 4. *and then ſuffered to expire; and importation permitted only for the uſe of the navy, by* 2 Geo. 3. cap. 6. *till* 24 Dec. 1762.

Wales.

CCXLVI. **Stat.** 20 *Geo.* 2. *cap.* 42. *ſect.* 3. In all caſes where the kingdom of *England*, or that part of *Great Britain* called *England*, hath been or ſhall be mentioned in any act of parliament, the ſame has been and ſhall be taken to comprehend the dominion of *Wales* and town of *Berwick upon Tweed.*

Wills.

XVIII. **Stat.** 25 *Geo.* 2. *cap.* 6. *ſect.* 1. If any perſon atteſt the execution of any will or codicil, made after the 24th of *June* 1752, to whom any beneficial deviſe, legacy, eſtate, intereſt, gift or appointment of, or affecting any real or perſonal eſtate, except charges on lands or hereditaments for payment of debts, is thereby given or made, ſuch deviſe, *&c.* ſhall ſo far only as concerns ſuch perſon atteſting ſuch will or codicil, or any perſon claiming under him, be void; and ſuch perſon ſhall be admitted as a witneſs to the execution of ſuch will or codicil, within the intent of 29 *Car.* 2. *cap.* 3.

XIX. *Sect.* 2. In caſe by any will or codicil already made or hereafter to be made, any lands or hereditaments be charged with any debts, and any creditor, whoſe debt is ſo charged, hath atteſted, or ſhall atteſt the execution of ſuch will or codicil, every ſuch creditor ſhall be admitted as a witneſs to the execution of ſuch will or codicil.

XX. *Sect.* 3. If any perſon hath atteſted the execution of any will or codicil already made, or ſhall atteſt the execution of any will or codicil to be made on or before the ſaid 24th of *June* 1752, to whom any legacy is thereby given, and ſuch perſon, before he give his teſtimony concerning the execution of any ſuch will or codicil, be paid, or have releaſed, or refuſed ſuch legacy upon tender thereof; ſuch perſon ſhall be admitted as a witneſs to the execution of ſuch will or codicil.

XXI. *Sect.* 4. In caſe of ſuch tender and refuſal as aforeſaid, ſuch perſon ſhall not be intitled to ſuch legacy, but ſhall be for ever barred therefrom; and in caſe of ſuch acceptance as aforeſaid, ſuch perſon ſhall retain to his own uſe the legacy ſo paid, notwithſtanding ſuch will or codicil afterwards be adjudged void, for want of due execution or for any other cauſe.

XXII. *Sect*

XXII. *Sect.* 5. In caſe any ſuch legatee, who hath atteſted the execution of any will or codicil already made, or ſhall atteſt the execution of any will or codicil, to be made on or before the 24th of *June* 1752, ſhall have died in the life of the teſtator, or before he have received or releaſed or refuſed ſuch legacy on tender, ſuch legatee ſhall be deemed a legal witneſs to the execution of ſuch will or codicil, within the 29 *Car.* 2. *cap.* 3.

XXIII. *Sect.* 6. The credit of every ſuch witneſs ſo atteſting the execution of any will or codicil, and all circumſtances relating thereto, ſhall be ſubject to the conſideration of the court and the jury, before whom ſuch witneſs is examined, or his teſtimony or atteſtation made uſe of; or of the court of equity in which his teſtimony or atteſtation is made uſe of.

XXIV. *Sect.* 7. No perſon, to whom any beneficial eſtate, intereſt, gift, or appointment, ſhall be given or made, which is hereby enacted to be void, or who ſhall have refuſed any ſuch legacy on tender, and who ſhall have been examined as a witneſs concerning the execution of ſuch will or codicil, ſhall, after being ſo examined, demand or take poſſeſſion of, or receive, any profits from, any ſuch eſtate, intereſt, gift, or appointment; or demand or receive, any ſuch legacy or any ſatisfaction for the ſame.

XXV. *Sect.* 8. This act ſhall not extend to the caſe of any heir at law, or of any deviſee in a prior will or codicil of the ſame teſtator, executed and atteſted according to the 29 *Car.* 2. *cap.* 3. or any perſon claiming under them reſpectively, who has been in quiet poſſeſſion for two years next preceding the 6th of *May* 1751, as to ſuch lands and hereditaments, whereof he has been in quiet poſſeſſion; and this act ſhall not extend to any will or codicil, the validity or due execution whereof hath been conteſted in any ſuit in law or equity commenced by the heir or the deviſee in any ſuch prior will or codicil, for recovering the lands or hereditaments deviſed in any will or codicil ſo conteſted, or for obtaining any other judgment or decree relative thereto, on or before the ſaid 6th of *May* 1751, and which has been already determined in favour of ſuch heir at law, or deviſee in ſuch prior will or codicil, or any perſon claiming under them reſpectively, or which is ſtill depending, and has been proſecuted with due diligence.

XXVI. *Sect.* 9. No poſſeſſion of any heir at law, or deviſee in ſuch prior will or codicil as aforeſaid, or of any perſon claiming under them reſpectively, which is conſiſtent with, or may be warranted by any will or codicil atteſted according to the meaning of this act, or where the eſtate deſcended or might have deſcended, to ſuch heir at law, till a future or executory deviſe by virtue of any will or codicil atteſted according to this act ſhould take effect, ſhall be deemed a poſſeſſion within the meaning of the clauſe herein laſt before contained.

XXVII. *Sect.* 10. This act ſhall extend to ſuch of the *Britiſh* colonies in *America* where the ſaid act 29 *Car.* 2. *cap.* 3. is by act of aſſembly made or by uſage received as law, or where by act of aſſembly or uſage the atteſtation and ſubſcription of a witneſs or witneſſes are made neceſſary to deviſes of lands or hereditaments; and ſhall have the ſame force in the conſtruction of, or for the avoiding of doubts upon, the ſaid acts of aſſembly, and laws of the ſaid colonies as the ſame ought to have in the conſtruction of, or for the avoiding doubts upon, the ſaid 29 *Car.* 2. *cap.* 3. in *England.*

XXVIII. *Sect.* 11. As to caſes ariſing in any of the ſaid colonies in *America*, no ſuch deviſe or legacy as aforeſaid, ſhall be made void by this act, unleſs the will or codicil whereby ſuch deviſe or legacy be given be made after the 1st of *March* 1753.

Wines.

LIV. Stat. 17 *Geo.* 2. *cap.* 40. *ſect.* 11. No perſon ſhall ſell wine by retail, within either of the univerſities of *Oxford* or *Cambridge*, or the precincts of either of them, unleſs ſuch perſon be duly licenſed by the chancellor or vice chancellor of the univerſity of *Oxford*, and by the chancellor maſters and ſcholars of the univerſity of *Cambridge*;

upon pain of forfeiting for every offence 5 *l.* one moiety to the uſe of his Majeſty, and the other moiety to the informer: and all perſons offending againſt this act, may be proſecuted for the ſaid forfeitures, in the courts of the chancellors or vice chancellors of the ſaid univerſities in a ſummary way, by ſummoning the party accuſed to appear in the ſaid courts reſpectively; and on appearance (or contempt by not appearing, being duly ſummoned, and oath thereof made) ſuch courts may examine the matter, and upon confeſſion of the party accuſed, or on the oath of one witneſs, ſuch courts may give ſentence againſt ſuch party, and iſſue their warrant for levying the forfeitures by diſtreſs and ſale of goods; and for want of ſuch diſtreſs, may commit ſuch offender to the houſe of correction, for one month; and no writ of *certiorari*, or other proceſs, ſhall iſſue to remove any ſuch ſentence from the ſaid courts, or any order or other proceedings made upon any ſuch ſentence, into any court of record at *Weſtminſter*, until the party againſt whom ſuch ſentence is given, before the allowance of ſuch *certiorari*, or other proceſs, find two ſureties, to be bound to the proſecutor in the ſum of 50 *l.* with condition to proſecute the ſame within 12 months, and to pay unto the proſecutor his coſts, in caſe ſuch ſentence be affirmed.

LV. *Sect.* 12. This act ſhall not prejudice or confirm any of the privileges belonging to the mayor bailiffs and commonalty of the city of *Oxford*.

LVI. Stat. 18 *Geo.* 2. *cap.* 9. *ſect.* 1. Over and above all ſubſidies of tonnage and poundage, and all other duties on wines and vinegar imported into *Great Britain*, there ſhall be paid unto his Majeſty (before landing) the additional duties following, without any diſcount inwards, or drawback on re-exportation, *viz.* for every ton of *French* wine and *French* vinegar imported 8 *l.* and ſo after that rate for any greater or leſſer quantity; and for every ton of all other wines and vinegar imported 4 *l.* and ſo after that rate; the ſame to be raiſed, paid and recovered in ſuch manner and under ſuch penalties (except as to diſcounts and drawbacks) as are mentioned in 1 *Jac.* 2. *cap.* 3. or in any other acts by which the ſaid duties upon wines and vinegar imported were continued and made perpetual.

LVII. *Sect.* 2. Nothing in this act ſhall extend to lay any further duties upon wines damaged and for which the importers ſhall refuſe to pay the duties, and which by 12 *Geo.* 1. *cap.* 28. are directed to be ſold by the officers of the cuſtoms to be diſtilled into brandy or made into vinegar.

LVIII. *Sect.* 3. The duties by this act granted ſhall be under the management of the commiſſioners of the cuſtoms, and their officers; and ſhall be paid to the receiver-general of the cuſtoms in *England*; who ſhall weekly on *Wedneſday*, if not a holy day (and if it be, on the next day after that is not an holy day) pay the ſame into the exchequer, apart from all other monies.

LIX. *Sect.* 56. If any perſon be ſued for any thing done in purſuance of this act, he may plead the general iſſue; and if a verdict paſs for the defendant, *&c.* the defendant ſhall have treble coſts.

LX. Stat. 26 *Geo.* 2. *cap.* 12. *ſect.* 1. No wine exceeding the quantity of 10 gallons imported from foreign parts into any out-port of this kingdom, ſhall be brought by land or water, into the port of *London*, or the members thereof, or to any place within 20 miles from the *Royal Exchange* of *London*, before the owner have paid unto the collector, or other officer of the cuſtoms neareſt to the place from whence ſuch wine is intended to be removed, the duties payable in any of the out ports, and alſo the difference of the duties payable there and in the port of *London*, on the importation of ſuch wine; and if any quantity of wine exceeding in bottles three dozen, or in a caſk 10 gallons, at the ſame time and in the ſame carriage be brought, either by land or water, into the port of *London*, or the members thereof, or to any place within 20 miles of the ſaid *Royal Exchange*, without a certificate from ſuch collector, or other officer of the cuſtoms, expreſſing the quality and quantity, and certifying, that the duties payable upon the firſt importation at the out-port, and the difference between the ſaid duties and thoſe due in the port of *London*, have been paid, or that the ſame was wine ſold for ſalvage, or compounded for or condemned, ſuch wine ſhall be forfeited together with the caſks and veſſels; and may be ſeized by any officer of the cuſtoms, and proſecuted as any uncuſtomed wines may be.

LXI. *Sect.*

LXI. *Sect.* 2. If after the removal of any ſuch wines, and after payment of the ſaid duties, and difference, and before the ſame be brought into the port of *London*, or the members thereof, or to any place within 20 miles from the *Royal Exchange* of *London*, ſuch wine happen to be ſtaved or loſt, the commiſſioners of the cuſtoms ſhall (proof being made upon oath) cauſe repayment to be made to the owner of the difference of the duties payable in any out-port, and in the port of *London*; ſuch repayment to be made out of the duties on wines imported.

LXII. **Stat.** 30 *Geo.* 2. *cap.* 19. *ſect.* 2. No perſon unleſs he be authorized in the manner after preſcribed, ſhall ſell by retail, that is by the pint, quart, pottle, or gallon, or by any other retail meaſure, or in bottles in any leſs quantity than ſhall be equal to the meaſure of the caſk or veſſel in which the ſame has been or may lawfully be imported, any kind of wine or any liquor called wine; upon pain to forfeit for every ſuch offence 100*l.* one moiety to the King, and the other moiety to him who will inform; to be recovered as the penalties for offences againſt any laws impoſing duties on ſtamped vellum, *&c.*

LXIII. *Sect.* 3. After 5 *July* 1757, any two commiſſioners for managing the duties ariſing by ſtamps on vellum, *&c.* and no other perſon ſhall grant licences under their hands and ſeals, to ſuch perſons as they think fit, to ſell by retail any kind of wine or liquor called wine, in any city or place in *Great Britain*, for the ſpace of one year from the date of ſuch licences.

The duties on theſe licences are as follows, viz. *where no licence for retailing ſpirituous liquors, or for retailing beer and ale is taken out, above all other ſtamp duties an additional duty of* 5*l. Where a licence for retailing beer and ale is taken out, but not a licence for retailing ſpirituous liquors, an additional duty of* 4*l. Where a licence for retailing ſpirituous liquors is taken out, an additional duty of* 40*s.* *See* ſect. 1. *in* **Stamps.**

LXIV. *Sect.* 4. If before 5 *July* 1757, the commiſſioners authorized by 12 *Car.* 2. *cap.* 25. have granted any licence to ſell wine by retail for one year, or for any term not then expired, the perſon ſo licenſed ſhall be enabled to ſell wine by retail, for one year from the date of ſuch licence, or until the expiration of the term for which the licence is granted.

LXV. *Sect.* 5. Every perſon who takes out ſuch licence for retailing wine for one year, ſhall take out a freſh licence 10 days before the expiration of that year, if he continue to ſell wine by retail, and ſhall renew ſuch licence from year to year, paying the ſums due for ſuch licences.

LXVI. *Sect.* 6. Upon application in behalf of any perſon not reſiding in the weekly bills of mortality, for a licence to retail wine, the ſaid commiſſioners ſhall deliver ſuch licence, upon payment of the duty.

LXVII. *Sect.* 7. The 12 *Car.* 2. *cap.* 25. except ſo much as relates to the preventing abuſes in the mingling of wines, and to ſettling the prices of the ſame, ſhall be repealed.

LXVIII. *Sect.* 8. The commiſſion whereby commiſſioners are appointed by the ſaid act for granting licences to retail wine, ſhall ceaſe.

LXIX. *Sect.* 9. This act ſhall not be prejudicial to the privileges of the two univerſities in *England*.

LXX. *Sect.* 10. This act ſhall not be prejudicial to the maſter wardens freemen and commonalty of the *Vintners* of the city of *London*, or to any other city or town corporate, but that they may uſe ſuch privileges, as they have heretofore lawfully uſed.

LXXI. *Sect.* 11. No perſon after the 5th of *July* 1757, admitted to the freedom of the ſaid company of *Vintners* of *London*, by redemption only, ſhall be exempted from the obligation of taking out a licence for ſelling wine by retail, or from the payment of the duties hereby granted; but the freemen only of the ſaid company already admitted or who after the 5th of *July* 1757, ſhall be admitted to their freedom in right of patrimony or apprenticeſhip, ſhall be entitled to ſuch exemption.

LXXII. *Sect.* 12. This act ſhall not debar the mayor and burgeſſes of St. *Albans* in the county of *Hertford*, or their ſucceſſors, from uſing all powers to them granted by letters patents, by Queen *Elizabeth* and King *James* the firſt, for the licenſing three wine taverns within the ſaid borough, for the maintenance of the free ſchool there.

LXXIII. *Sect.* 13. There ſhall be paid to his Majeſty out of the monies ariſing from the new duties on licences to retail wine, by four quarterly payments, on the 10th of *October*, the 5th of *January*, the 5th of *April*, and the 5th of *July* yearly, the ſum of 7,200*l.* 14*s.* 3*d.* which appears to have been the net annual produce of the former duties on licences for retailing wine.

LXXIV. *Sect.* 14. Out of the duties payable by this act for licences to retail wine, his Majeſty may grant, by warrant under his ſign manual during pleaſure, to the commiſſioners for managing the duties on wine licences granted by 12 *Car.* 2. *cap.* 25. and their officers, or to ſuch of them as his Majeſty thinks proper, ſuch yearly allowances as his Majeſty judges fit, ſo as no allowance to any ſuch commiſſioner exceed 500*l.* by the year, and ſo as no allowance to any other ſuch officer, exceed the preſent annual amount of the ſalaries.

LXXV. *Sect.* 15. And whereas the duties on licences for retailing wine granted by this act, are ſubjected to the yearly payment of 7,200*l.* 14*s.* 3*d.* as an equivalent for a revenue veſted in his Majeſty, by an act of the parliament of *England*, made before the union; and his Majeſty is by this act impowered to grant, out of the duties for retailing wine hereby granted, to the officers employed about the revenue hereby repealed, certain yearly allowances, which may amount to 3,310*l.* and whereas *Scotland* was not ſubject to the payment of the revenue ariſing from wine licences ſo veſted in his Majeſty, and ought not to be ſubject to any part of the duties granted by this act, applicable as an equivalent to the ſaid former revenue, or in conſequence thereof, but to ſuch a proportion only of the duties granted by this act as is applicable to the public ſervice; be it enacted, that where a duty of 5*l.* is before directed to be paid on a licence for retailing wine, a duty of 3*l.* 6*s.* 8*d.* and no more, ſhall be paid for a licence to retail wine in *Scotland*; and where a duty of 4*l.* is before directed to be paid for ſuch licence, a duty of 2*l.* 13*s.* 4*d.* ſhall be paid for a licence to retail wine in *Scotland*; and where a duty of 2*l.* is before directed to be paid for ſuch licence, a duty of 1*l.* 6*s.* 8*d.* ſhall be paid for a licence to retail wine in *Scotland*.

LXXVI. *Sect.* 16. It ſhall be lawful for the commiſſioners for managing the duties on ſtamped vellum, *&c.* to collect and recover for the uſe of his Majeſty all arrears of rents for licences to retail wine, or of forfeitures for retailing wine without licence incurred before 5 *July* 1757, for which purpoſe all the books or writings belonging to the agents appointed by virtue of 12 *Car.* 2 *cap.* 25. ſhall as ſoon as may be, be transferred to the cuſtody of the commiſſioners for managing the duties on ſtamped vellum, *&c.*

LXXVII. *Sect.* 17. The additional duties herein granted ſhall be under the management of the commiſſioners of the duties on ſtamped vellum, *&c.*

LXXVIII. **Stat.** 32 *Geo.* 2. *cap.* 19. *ſect.* 1. It ſhall be lawful for the commiſſioners for management of the duties on licences to retale wine, or any two of them, where they ſee cauſe, to mitigate the penalty of 100*l.* already incurred, or to be incurred, in conſequence of 30 *Geo.* 2. *cap.* 19. *ſect.* 2. the reaſonable coſts of the officers and informers, as well in making the diſcovery, as in the proſecution being allowed over and above ſuch mitigation.

LXXIX. *Sect.* 2. No perſon paying for any number of wine licences at the ſame time, or at different times, ſhall be intitled to any diſcount or allowance.

LXXX. *Sect.* 3. No perſon licenſed, or to be licenſed, by 30 *Geo.* 2. *cap.* 19. to retail wine, ſhall by virtue of one licence, keep more than one place for ſelling wine by retail; and every retailer of wine ſhall cauſe the word *WINE* to be written either on a ſign hung out, or in ſome viſible place in or near the door in the front of his houſe, ſhop, or other place, made uſe of for the retailing of wine, to denote that ſuch retailer is a dealer in wine, and ſubject to take out a licence for retailing. And if any perſon ſell wine by retail, without ſuch token, he ſhall forfeit 10*l.* to be recovered as the penalty on perſons ſelling wine by retail without licence, ſubject to the like power of mitigation by the commiſſioners of ſtamp duties, as is before preſcribed.

LXXXI. *Sect.* 4. Nothing in this or any former act relating to wine licences, ſhall be prejudicial to the privileges of the two univerſities in *England*.

See **Cuſtoms, Sweets.**

Woods.

LIV. Stat. 29 *Geo.* 2. *cap.* 36. *ſect.* 1. It ſhall be lawful for his Majeſty, and all other owners of waſtes, woods, and paſtures, in *England*, wherein any perſons or bodies politic have right of common of paſture, with the aſſent of the major part in number and value of the owners and occupiers of tenements to which the ſaid right of common of paſture belongs; and for the major part in number and value of the owners and occupiers of ſuch tenements, with the aſſent of the owners of the ſaid waſtes, *&c.* and for any other perſons, or body politic, with the aſſent and grant of the owners of ſuch waſtes, *&c.* and the major part in number and value of the owners and occupiers of ſuch tenements; to incloſe for the growth of timber or under-wood, any part of ſuch waſtes, woods, and paſtures, for ſuch time, and upon ſuch conditions, as ſhall be agreed.

LV. *Sect.* 2. In caſe any recompence be agreed to be given for ſuch incloſure, to the owners and occupiers of tenements, to which the right of common belongs, ſuch recompence ſhall be made either by a grant of a ſhare of the profit of the timber or under-wood growing on the ground ſo incloſed, or by a grant of other lands or hereditaments, or by ſome annuity or rent-charge iſſuing out of the ground ſo incloſed or other lands, or ſhall be paid in money, to be placed out at intereſt on public ſecurities, or laid out in the purchaſe of lands or hereditaments, or of ſome annuity or rent-charge iſſuing out of lands; and the produce of ſuch lands or ſuch rent-charge, or the intereſt of ſuch money until the ſame be laid out in ſuch purchaſe, ſhall be paid to the overſeers of the poor of the pariſh or townſhip, and ſhall be by them applied towards the relief of the poor, where ſuch waſtes, *&c.* lie, and accounted for as the rates for relief of the poor: and in caſe the owners of any ſuch waſtes, *&c.* and the major part in number and value of the owners and occupiers of the tenements to which ſuch right of common belongs, jointly agree to aſſign their reſpective right in the ſaid waſtes, *&c.* for the purpoſe of making ſuch incloſures, to any other perſon or body politic; and the owners of ſuch waſtes, *&c.* have not an eſtate in fee-ſimple therein, or be diſabled or reſtrained from alienating the ſame; the recompence to be paid to any ſuch owners, ſhall be either by a grant of a ſhare of the profit of the timber or under-wood growing on the ground ſo incloſed, or by a grant of other lands or hereditaments, or of a rent-charge iſſuing out of the ground ſo incloſed, or other lands; ſuch equivalent to be held by the owners of ſuch waſtes, *&c.* and ſuch as be intitled to the ſame, in reverſion, remainder, or ſucceſſion, in like manner as the eſtate in ſuch waſtes, *&c.* is limited: and in caſe the inhabitants of any pariſh or townſhip be willing to acquire ſuch right of incloſure, for the employment of the poor, and any recompence be agreed to be given for the ſame, it ſhall be lawful for the overſeers of the poor of ſuch pariſh (by the direction of the major part of the inhabitants aſſembled at a veſtry or public meeting, public notice being firſt given in the church on three *Sundays* before ſuch veſtry be held) to pay or purchaſe ſuch recompence out of any monies ariſing from the rates for the relief of the poor; and out of ſuch monies to pay ſuch charges as be neceſſary for incloſing and preſerving ſuch grounds; and ſuch overſeers ſhall apply the profit of the timber or under-wood growing thereon, towards the relief of the poor; and ſhall account for the ſame as for the rates for the relief of the poor.

LVI. *Sect.* 3. Every agreement for any ſuch incloſure ſhall be in writing, and ſigned by the parties, and ſhall be regiſtered and inrolled by the clerk of the peace for the county or diviſion where ſuch waſtes, *&c.* or the greater part of them lie, within three months after the execution of ſuch agreement.

LVII. *Sect.* 4. It ſhall be lawful for all perſons or bodies politic, who think themſelves aggrieved by ſuch agreement, or for any perſon in their behalf, within ſix months after ſuch agreement is regiſtered and inrolled, to make complaint by appeal to the juſtices of the peace at any quarter-ſeſſions for the ſame county or diviſion, who are to determine ſuch appeal, and whoſe determination therein ſhall be final; and if no ſuch appeal be made, the agreement ſo regiſtered and inrolled ſhall be for ever binding to all perſons.

LVIII. *Sect.* 5. It ſhall be lawful for all bodies politic, whether aggregate or ſole, and all feoffees in truſt, executors, adminiſtrators, guardians, committees, or other truſtees, for and on the behalf of any infants, femes covert, lunatics, ideots, or other perſons, and the huſbands of femes covert, ſeiſed or intereſted in any ſuch waſte, *&c.* or any right of common in ſuch waſtes, *&c.* to agree to any ſuch incloſure; and all agreements ſo made ſhall be valid.

LIX. *Sect.* 6. If any perſon after the time limited for bringing ſuch appeal againſt any ſuch agreement, by day or by night unlawfully cut, take, deſtroy, break, throw down, bark, pluck up, burn, deface, ſpoil, or carry away, any trees growing within any ſuch incloſure, without the conſent of the owners, ſuch owners ſhall have ſuch remedy and ſatisfaction from the inhabitants of the pariſhes or places adjoining to ſuch incloſures, and recover ſuch damages, and in the ſame manner as is directed for dykes and hedges overthrown by the 13 *Edw.* 1. *cap.* 46. **Approvement** II. unleſs the offender be convicted of ſuch offence within ſix months after the commiſſion thereof.

LX. *Sect.* 7. It ſhall be lawful for any two juſtices of the peace of the county or place wherein any ſuch offence is committed, or for the juſtices of peace for ſuch county or place in ſeſſions, upon complaint, to cauſe every ſuch offender to be apprehended, and to hear and determine the ſame treſpaſs, and to inflict the like penalty on every offender by them convicted, as is directed by 6 *Geo.* 1. *cap.* 16.

LXI. *Sect.* 8. If any perſon unlawfully cut, take, deſtroy, break, throw down, bark, pluck up, burn, deface, ſpoil, or carry away, any tree growing in any waſte, wood, or paſture, in which any perſon or body politic hath right of common, every ſuch offender ſhall be in like manner convicted of ſuch offence, and incur the like penalty.

LXII. *Sect.* 9. It ſhall be lawful for any perſon or body politic to take remedy for the before-mentioned damages, either againſt the pariſh or place where any of the ſaid offences be committed, according to 1 *Geo.* 1. *cap.* 48. or 6 *Geo.* 1. *cap.* 16. or on the hundred wherein any of the ſaid offences be committed, as to ſuch perſon or body politic ſeems moſt meet, according to 9 *Geo.* 1. *cap.* 22. *ſect.* 7. **Felony.**

LXIII. *Sect.* 10. If any action be brought for any thing done by virtue of this act, the defendant may plead the general iſſue; and if the plaintiff diſcontinue, *&c.* the defendant ſhall recover treble coſts.

LXIV. **Stat.** 31 *Geo.* 2. *cap.* 41. *ſect.* 1. Every recompence to be made by virtue of 29 *Geo.* 2. *cap.* 36. ſhall be made to the perſons intereſted in the right of common, in proportion to their reſpective intereſts; and not be paid to the overſeers of the poor, as is directed by the ſaid act.

LXV. *Sect.* 2. And whereas doubts may ariſe whether tenants for life, or for terms of years determinable upon one or more lives, be owners, within the meaning of this act, and that of 29 *Geo.* 2. *cap.* 36. be it enacted, that the powers given to ſuch owners by this act, and the ſaid act, may be executed by ſuch tenants for life, or years during their reſpective intereſts.

LXVI. *Sect.* 3. Nothing done by ſuch tenants for life, or terms of years, by virtue of this act, or by 29 *Geo.* 2. *cap.* 36. ſhall have effect or continuance after the determination of the eſtate of ſuch tenants for life, or terms of years.

Wool, Wool-cards, and Woollen manufacture.

CXXVII. **Stat.** 12 *Geo.* 2. *cap.* 21. *ſect.* 1. Whereas in the book of rates annexed to 12 *Car.* 2. *cap.* 4. a rate of 3 *l.* 6 *s.* 8 *d.* for every hundred weight was fixed upon woollen or bay yarn imported; according to which rate a ſubſidy of 12 *d.* in the pound called the *Old ſubſidy* was payable, and a further ſubſidy of 12 *d.* in the pound was granted to king *George* II. for life by 1 *Geo.* 2. *ſtat.* 1. *cap.* 1. and by 2 *Ann. cap.* 9. another ſubſidy was granted called the *One third ſubſidy:* and by 3 and 4 *Ann. cap.* 5. another ſubſidy was granted called the *Two thirds ſubſidy:* and whereas

whereas the taking off the duties upon woollen or bay yarn imported from *Ireland* may prevent the exporting wool and woollen manufactures from *Ireland* to foreign parts, and may be of uſe to the manufactures of *Great Britain*; be it enacted that the ſaid ſeveral ſubſidies payable upon woollen or bay yarn imported from *Ireland* ſhall ceaſe.

CXXVIII. *Sect.* 2. And that neither the King nor any other perſon intitled to any ſhare in the monies ariſing by the ſaid duties may ſuffer by the ceaſing thereof, the commiſſioners of the treaſury ſhall cauſe an account to be made up of the ſaid duties on bay yarn and woollen yarn for ſeven years laſt paſt.

CXXIX. *Sect.* 3. And the medium of the ſaid duties ſhall be a certain annual ſum to be charged on the aggregate fund, and ſhall be applied to make good to his Majeſty, and to the ſeveral public creditors, having intereſt or ſecurity in the ſaid duties, the like proportions out of the ſaid annual ſum.

CXXX. *Sect.* 4. Nothing in this act ſhall extend to take off the duties upon worſted yarn, being of two or more threads twiſted or thrown, or cruel imported into *Great Britain* from *Ireland*.

CXXXI. *Sect.* 5. All wooll and woollen or bay yarn, wool-fells, ſhortlings, mortlings, wooll-flocks, worſted, yarn, cloth, ſerge, bays, kerſeys, ſays, frizes, druggets, cloth-ſerges, ſhalloons, ſtuffs, and other draperies and woollen manufactures, or mixed with wooll or wooll-flocks, exported from *Ireland* into this kingdom, ſhall be ſhipped off at the ports of *Dublin*, *Waterford*, *Youghall*, *Kinſale*, *Cork*, *Drogheda*, *New Roſs*, *Newry*, *Wexford*, *Wicklow*, *Sligoe*, *Limerick*, *Galway*, and *Dundalk*, and from no other port; nor ſhall be imported into any parts of *Great Britain*, other than *Biddeford*, *Barnſtaple*, *Minehead*, *Bridgewater*, *Briſtol*, *Milford Haven*, *Cheſter*, and *Liverpool*.

CXXXII. *Sect.* 6. No wooll or any of the goods before-mentioned ſhall be laid on board any ſhip in *Ireland*, or imported from thence into this kingdom, but in ſhips of the built of *Great Britain* or *Ireland*, and wholly owned and manned by the ſubjects of this kingdom or *Ireland*, and duly regiſtered as herein after mentioned; under the penalty of the forfeiture of the ſaid goods, or the value, as alſo of the ſhip.

CXXXIII. *Sect.* 7. No ſhip ſhall be deemed a ſhip of the built of *Great Britain* or *Ireland*, ſo as to be qualified to take on board any wooll, woollen or bay yarn, or other the ſpecies before mentioned, to import the ſame into *Great Britain*, until the perſons claiming property in ſuch ſhip regiſter the ſame as followeth (that is to ſay) proof ſhall be made upon the oath (or affirmation, if by a *Quaker*) of one or more of the owners before the collector and comptroller of the cuſtoms in ſuch port of *Great Britain* or *Ireland*, to which ſuch ſhip belongs, in the tenor following, *viz.*

I A. B. *do make oath* (or being a quaker, *do ſolemnly affirm*) *that the ſhip of whereof is at preſent maſter being built of tons, was built at in the year and that of and of are at preſent owners thereof; and that no foreigner, directly or indirectly hath any ſhare, part, or intereſt therein.*

A certificate of which oath or affirmation, atteſted by the collector and comptroller of the cuſtoms under their hands and ſeals, ſhall, after having been regiſtred by them, be delivered to the maſter of the ſhip; a duplicate of which regiſter ſhall be immediately tranſmitted to the commiſſioners of the cuſtoms at *London*, to be entered in the general regiſter, to be there kept.

CXXXIV. *Sect.* 8. No ſhip's name regiſtred, ſhall be afterwards changed, without regiſtring ſuch ſhip again (which is likewiſe to be done upon any transfer of property to another port) and delivering up the former certificate to be cancelled, under the ſame penalties, and in the like method as before directed: and in caſe of any alteration of property in the ſame port, by the ſale of one or more ſhares in any ſhip, after regiſtring thereof, ſuch ſale ſhall be acknowledged by indorſement on the certificate of the regiſter, before two witneſſes, in order to prove that the entire property remains to ſome of the ſubjects of *Great Britain* or *Ireland*.

CXXXV. *Sect.*

CXXXV. *Sect.* 9. No coverlids, waddings, or other pretended manufactures, made of wooll ſlightly put together, ſo as the ſame may be reduced to wooll again, or mat-traſſes, or beds ſtuffed with wooll, combed or fit for combing, ſhall be exported from *Great Britain* or *Ireland* to parts beyond the ſeas, under the like penalties which are inflicted on exporters of wooll.

CXXXVI. *Sect.* 10. No wooll, wool-fells, mortlings, ſhortlings, wooll-flocks, worſted, bay, or woollen yarn, ſhall be packed up in *Great Britain* or *Ireland*, in any package, but in packs and truſſes of leather or canvas, called *packcloth*; and all ſuch packs ſhall be marked on the outſide with the words *wooll* or *yarn*, in letters not leſs than three inches in length; on pain of forfeiting all ſuch goods, with the package, and 3 *s.* for every pound weight thereof, to be paid by the owner or packer.

CXXXVII. *Sect.* 11. No wooll, wooll-fells, mortlings, ſhortlings, combed wooll, woollen or bay yarn, worſted yarn, cruel, or wooll ſlightly manufactured, ſhall be put on board any ſhip bound to parts beyonds the ſeas, laden in order to be carried coaſt-wiſe, unleſs notice be firſt given to the commiſſioners of the cuſtoms, or to the cuſtomer or collector and comptroller of the port from which the ſame is intended to be ſent, of the quantity, quality, and package, together with the marks and numbers thereof, with the name of the ſhip and maſter, as likewiſe the names of the owners of the ſaid goods, and the place of their abode, and the port into which the ſame are intended to be imported, and to whom conſigned; and unleſs bond be firſt entered into to the uſe of his Majeſty, with one or more ſufficient ſecurities, in treble the value of the goods ſo intended to be carried coaſt-wiſe, that the ſame ſhall be landed accordingly; due notice whereof ſhall be forthwith tranſmitted by the cuſtomer or collector and comptroller of the port from whence the ſame are exported, to the cuſtomer or collector and comptroller of the port into which the ſame is intended to be imported, and entry made; and unleſs a licence be alſo firſt taken under the hands of the commiſſioners of the cuſtoms, or from the cuſtomer or collector and comptroller where ſuch bond is given, for the landing and carrying thereof, which licence they are to grant without any fee or other charge: and all ſuch bonds for the carrying ſuch goods coaſtwiſe in *Great Britain* or *Ireland*, ſhall not be diſcharged, but by producing a certificate under the hand and ſeal of the cuſtomer or collector and comptroller of the port in *Great Britain* or *Ireland*, where ſuch goods were landed, ſetting forth the quantity, quality, and package, together with the marks and numbers, with the name of the ſhip and maſter out of which ſuch goods were landed; and all ſuch bonds as remain undiſcharged after ſix months, ſhall be tranſmitted to the commiſſioners of the cuſtoms in *Great Britain*, or of the revenue in *Ireland*, who are to put them in ſuit immediately. And if any wooll, *&c.* be laden on board any ſhip, in order to be carried coaſtwiſe, before all the directions of this and every other act made to prevent the tranſportation of any of the goods aforeſaid, be duly complied with, ſo far as the ſame relate to the exporter or proprietor; or if any of the ſaid goods be laden on board any ſhip bound to parts beyond the ſeas; then all ſuch goods, or their value, ſhall be forfeited, together with the ſhip.

CXXXVIII. *Sect.* 12. Nothing herein ſhall extend to alter any other ſecurity required by law for goods carried coaſtwiſe, or to repeal any law in *Great Britain* or *Ireland* made to prevent the exportation of wooll or any the goods aforeſaid.

CXXXIX. *Sect.* 13. None of the ſaid goods imported from *Ireland*, or coaſtwiſe within this kingdom or *Ireland*, ſhall be landed or ſhipped, but in the preſence of the proper officers, nor at any other place than the lawful quays ſet out in the manner preſcribed by 13 & 14 *Car.* 2. *cap.* 11. for *England* **Cuſtoms**, and by 6 *Ann. cap.* 26. for *Scotland*, **Scotland** *cuſtoms*, without leave from the commiſſioners and officers of the cuſtoms, or at ſuch quays in *Ireland* as ſhall be appointed; on pain of forfeiting the ſaid goods, or the value thereof, and 3 *s.* for every pound weight of ſuch goods, to be paid by the owner, or any perſon concerned in ſuch unlawful ſhipping or landing.

CXL. *Sect.* 14. And to prevent any fraudulent practices whereby may be evaded any of the penalties inflicted to prevent the tranſporting out of this kingdom any wooll, wooll-fells, wooll-flocks, mortlings, ſhortlings, worſted, bay, or woollen yarn, fullers-earth, fulling-clay, tobacco-pipe-clay, or any other ſcouring clay or earth, or to prevent the illegal tranſporting out of *Ireland* any of the ſaid goods, or of cloth, ſerge, bayes, kerſeys, ſays, frizes, druggets, cloth-ſerges, ſhalloons, or any other drapery ſtuffs, or woollen manufactures, made up or mixed with wooll or wooll-flocks; it ſhall not be

lawful

lawful for any perſon, other than the officers of the cuſtoms or exciſe, or ſalt duties, to enter any information of ſeizure of any wooll, wooll-fells, or other goods before enumerated, as aforeſaid; nor ſhall it be lawful for any perſon to enter any information for the recovery of any penalty aforeſaid, unleſs ſuch information be filed in the name of his Majeſty's attorney general, or of ſome officer of the cuſtoms, exciſe, or ſalt-duties in *Great Britain* or *Ireland*; and if any information of ſeizure of any of the goods before mentioned, be made by any perſon other than in the name of the attorney general, or of ſome officer of his Majeſty's revenue as aforeſaid, the ſame, and all the proceedings thereupon, are hereby declared to be void.

CXLI. *Sect.* 15. Nothing in this act ſhall take away the power given to the commanders and officers of his Majeſty's ſhips of war, or the armed ſloops appointed by the admiralty, to guard againſt the tranſportation of wooll, purſuant to 10 & 11 *Will.* 3. *cap.* 10. [*Par.* LXXXIV.] and 5 *Geo.* 2. *cap.* 21. [*Par.* CXXI.] or by any other act.

CXLII. *Sect.* 16. If any officer of the revenue make any colluſive ſeizure or information of any of the ſaid goods, or any fraudulent agreement whereby the owner may avoid the penalties incurred by this or any other act, he ſhall for ſuch offence forfeit 200 *l.* and be rendered incapable of ſerving in any office in the revenue: and the exporters, importers, and owners of the goods ſo colluſively ſeiſed, ſhall forfeit treble the value thereof: and all ſuch penalties ſhall be to the uſe of him who ſhall inform or ſue for the ſame in any court of record at *Weſtminſter*, or in the court of exchequer in *Scotland*, or in any court of record at *Dublin*.

CXLIII. *Sect.* 17. Any perſon concerned in ſuch fraudulent ſeizure or agreement, who firſt diſcovers his offence to the commiſſioners of the cuſtoms in *England* or *Scotland*, or of the revenue in *Ireland*, ſhall be diſcharged thereof, provided he makes ſuch diſcovery within three months after the offence committed, and ſo as any of his accomplices be convicted; and if ſuch diſcoverer be not an officer of the revenue, or owner of the goods, he ſhall receive to his own uſe the whole money recovered on the conviction of ſuch offender, the charges of proſecution firſt deducted.

CXLIV. *Sect.* 18. All ſuits and informations upon this or any other acts for preventing the exportation of wooll, wooll-fells, wooll-flocks, mortlings, ſhortlings, worſted, bay, or woollen yarn, cruels, or wooll ſlightly manufactured, or mattraſſes, or beds ſtuffed with wooll combed or fit for combing, fullers-earth, fulling-clay, tobacco-pipe-clay, or any other ſcouring earth or clay from *Great Britain* or *Ireland*; or for preventing the exportation from *Ireland* into foreign parts, of cloth, ſerges, bays, kerſeys, frizes, druggets, ſhalloons, ſtuffs, cloth-ſerges, or any other drapery made of or mixed with wooll manufactured in *Ireland*, may be entered and proſecuted (except where it is in this act otherwiſe directed) in any court of record at *Weſtminſter*, or in the court of exchequer in *Scotland*, or at the quarter-ſeſſions of the peace, or before any two juſtices of peace in a ſummary way, at the election of the ſeizer or informer, or by any law relating to the revenue of *Ireland* in that kingdom; and if the property thereof be claimed by any perſon, the *onus probandi* ſhall lie upon the claimer.

CXLV. *Sect.* 19. All the penalties before mentioned, except where otherwiſe directed, ſhall be to the uſe of ſuch perſon as ſhall ſeize, inform, or ſue for the ſame.

CXLVI. *Sect.* 20. On the condemnation of any wooll, or other goods before enumerared, the ſaid commiſſioners ſhall cauſe ſuch goods to be ſold to the beſt bidder, at ſuch places as they think proper; and out of the produce, ſhall cauſe to be paid all charges of condemnation and ſale, and the remainder to ſuch perſon who ſhall ſeize, inform, or ſue.

CXLVII. *Sect.* 21. In caſe any officer of the cuſtoms, exciſe, or ſalt duty, receive any information from any other perſon, whereby any ſeizure is made, or any proſecution carried on to effect; ſuch perſon ſhall have one half of what is recovered by ſuch officer, as a reward for his information.

CXLVIII. *Sect.* 22. If any offender become liable to the penalty of 3 *s. per* pound weight, and be not of ſufficient ability to pay the ſame, by which means the informer will loſe the benefit of his information; then it ſhall be lawful for the reſpective commiſſioners to cauſe 1 *s. per* pound weight for all ſuch goods for which ſuch offender is convicted, to be paid by the receiver general of the revenue under their management,

out of any public money in his hands; and the money ſo paid by any receiver general ſhall be allowed in his accounts.

CXLIX. *Sect.* 23. If the maſter of any ſhip employed in the clandeſtine exporting from *Great Britain* or *Ireland*, any wooll, or other goods before enumerated, or in the clandeſtine importing from *Ireland* any woollen manufacture made in *Ireland*, or if the mate, or any of the mariners give an account in ſix months after ſuch ſhipping or exporting the goods before mentioned, to the commiſſioners of the cuſtoms in *England* or *Scotland*, or of the revenues in *Ireland*, of the name of the ſhip, and the ſpecies and quantities of ſuch goods, together with the name of the owners, exporters, or perſons who act in their aid, ſo as they may be convicted; ſuch maſter, mate, or mariner, ſhall not only be indemnified, but ſhall be diſcharged from any penalties he is by law ſubject to for his offence, and ſhall alſo have three fourth parts of the penalties, clear of charges, that be recovered by means of his diſcovery; which the reſpective commiſſioners are to cauſe to be diſtributed in ſuch manner as they think proper, and the other fourth part to his Majeſty, after deducting the charges of proſecution.

CL. *Sect.* 24. Every perſon, who by deputation, commiſſion, or other inſtrument, under the hands and ſeals of the commiſſioners of the cuſtoms, exciſe, or ſalt, in *Great Britain* or *Ireland*, are appointed to act under them, for putting this or any of the acts relating to thoſe revenues, or made againſt tranſportation of wooll, in execution, ſhall be eſteemed an officer of the cuſtoms, exciſe, or ſalt, to all intents.

CLI. *Sect.* 25. If any perſon offer to give any bribe to any officer of the cuſtoms, exciſe, or ſalt, in *Great Britain* or *Ireland*, to connive at the tranſportation or concealment of any wooll, wooll-flocks, wooll-fells, mortlings, ſhortlings, yarn made of wooll, cruels, or wooll ſlightly manufactured, or mattraſſes, or beds ſtuffed with combed wooll or wooll fit for combing, fullers-earth, fullers-clay, and tobacco-pipe-clay, or any other ſcouring earth or clay; or to the removing thereof, contrary to this or any other act; or to do any other act, whereby the proviſions made by this or any other law, may be evaded; every ſuch perſon ſhall, for every ſuch offence, forfeit 300 *l.* to be recovered and applied to the uſe of him who ſhall inform or ſue for the ſame in any court of record at *Weſtminſter*, or in the court of exchequer in *Scotland*, or in any court of record at *Dublin*.

CLII. *Sect.* 26. If any officer of the cuſtoms, exciſe, or ſalt, or other perſon acting in aid of ſuch officer, in putting this act in execution, be oppoſed, wounded, or beaten in ſeizing any wooll, or other goods before enumerated, the perſon that ſo oppoſes, wounds or beats any ſuch officer, or any other perſon being armed with offenſive arms, or wearing any maſk or diſguiſe, who attempts to reſcue any wooll, or other the goods aforeſaid ſeized by any ſuch officer, being convicted, ſhall, by order of the court before whom convicted, be tranſported to the plantations in *America*, for any term not exceeding ſeven years, in the ſame manner as by 4 *Geo.* 1. *cap.* 11. and 6 *Geo.* 1. *cap.* 23. and if ſuch offender return into *Great Britain* or *Ireland*, before the expiration of the time for which ſuch perſon is tranſported, he ſhall ſuffer as a felon, without benefit of clergy.

CLIII. *Sect.* 27. The 4 *Geo.* 2. *cap.* 11. *ſect.* 6. [*Par.* XCII.] ſo far as the ſame concerns the exporters of wooll or wooll-fells, ſhall extend to all aiders or abettors to ſuch exporters.

CLIV. *Sect.* 28. All bonds taken purſuant to this act, ſhall not be chargeable with the duties upon ſtampt paper.

CLV. *Sect.* 29. Whereas the exportation of wooll, wooll-fells, wooll-flocks, mortlings, ſhortlings, cruels, worſted, woollen and bay yarn, mattreſſes, and beds ſtuffed with combed wooll or wooll fit for combing, from *Great Britain* or *Ireland*, and of woollen manufacture from *Ireland*, hath been promoted by perſons undertaking as inſurers that ſuch goods ſhall be delivered in parts beyond the ſeas; be it enacted, that all perſons who by way of inſurance or otherwiſe, undertake that any of the goods before mentioned, ſhall be conveyed to any parts beyond the ſeas from any port within this kingdom or *Ireland*, or in purſuance of ſuch inſurance or agreement, deliver, or cauſe to be delivered, any of the ſaid goods in any parts beyond the ſeas, ſuch perſons, and all their aſſiſtants, ſhall for every offence forfeit 500 *l.* to the uſe of the informer, over and above all other penalties.

CLVI. *Sect.*

CLVI. *Sect.* 30. And all perſons who pay, or agree to pay any money for the inſuring, or exporting out of this kingdom or *Ireland*, any of the goods aforeſaid, ſhall, for every ſuch offence, forfeit 500 *l.* to the uſe of the informer.

CLVII. *Sect.* 31. In caſe the inſurer, conveyer, or manager of ſuch fraud, or the perſon agreeing to inſure, convey, or manage therein, within ſix months after, firſt give notice thereof to the commiſſioners of the cuſtoms in *England* or *Scotland*, or of the revenue in *Ireland*, ſo as the perſons concerned with him be convicted, he ſhall not only be diſcharged of ſuch offence, and from the penalties to which he is liable, but ſhall alſo have the whole forfeiture impoſed on the parties making ſuch inſurance, after the charges of proſecution are deducted, and ſhall retain to his own uſe the inſurance-money given him; and in caſe the party inſured, within ſix months firſt make diſcovery thereof to the ſaid commiſſioners reſpectively, ſo as the perſons concerned with him in ſuch offence be convicted, he ſhall receive back ſuch premium as he hath paid upon ſuch inſurance; and in caſe the premium be not actually paid, then the perſon ſo firſt diſcovering is indemnified from paying the ſame, and every agreement entered into for paying ſuch monies, is hereby declared to be void; and ſuch perſon ſo firſt diſcovering, ſhall alſo have to his own uſe the whole forfeiture impoſed upon ſuch inſurer, conveyer, or manager, after charges of proſecution are deducted, and ſhall alſo be diſcharged of the forfeitures hereby impoſed upon him.

CLVIII. *Sect.* 32. All the ſaid penalties and forfeitures incurred by perſons concerned in illegal inſurances, ſhall be ſued for in any court of record at *Weſtminſter*, or in the court of exchequer in *Scotland* or *Ireland*, by action of debt, *&c.* in the name of his Majeſty's attorney general, or in the name of any officer of the cuſtoms, exciſe, or ſalt duties.

CLIX. *Sect.* 33. And whereas it is generally unknown to the inſurers what ſorts of goods are loaded on board any ſhip; be it enacted that all policies of inſurance made on goods on any ſhip bound from *Great Britain* or *Ireland* to foreign parts, which afterwards appear to be wooll or woollen yarn, or any other ſpecies of wool beforementioned, or woollen manufactures from *Ireland*; and all policies of inſurance on any ſhip bound from *Great Britain* or *Ireland* to foreign parts, which have on board any wooll or woollen yarn or any other ſpecies of wool before mentioned, or woollen manufactures from *Ireland*, ſhall be void, notwithſtanding any words inſerted in ſuch policy; and nothing ſhall be recovered by the aſſured in either caſe from the inſurer for loſs, or for the premium.

CLX. *Sect.* 34. If any ſuit be commenced for any thing done in purſuance of this act, the defendant may plead the general iſſue; and if the plaintiff be nonſuited *&c.* the defendant ſhall recover treble coſts.

CLXI. **Stat.** 15 *Geo.* 2. *cap.* 27. *ſect.* 1. In caſe any cloth or woollen goods remaining upon the rack or tenters, or any woollen yarn, or wooll left out to dry, be ſtolen or taken away in the night-time, it ſhall be lawful for any juſtice of peace of the ſame county or place, upon complaint made within ten days after ſuch goods have been ſtolen, by the owner, by warrant to authorize any conſtable, headborough, or other peace officer in the day-time, to enter into, and ſearch the houſes, outhouſes, or other places of every perſon, whom the owner of ſuch goods upon his oath declares he ſuſpects to have ſtolen or received the ſame; and in caſe ſuch conſtable, *&c.* find any cloth, woollen goods, or wooll, which from the information of the perſon making ſuch oath he has reaſon to ſuſpect to be ſo ſtolen or received, he ſhall apprehend every perſon in whoſe cuſtody ſuch goods be found, and carry him before ſome juſtice of the peace of the ſame county diviſion or town; and if the perſon ſuſpected and carried before the ſaid juſtice give not a ſatisfactory account, how he acquired the property or poſſeſſion of ſuch goods, or within ſome convenient time to be ſet by the ſaid juſtice, produce not the party of whom he received the ſame, or ſome other witneſs to depoſe upon oath ſuch property or right to the poſſeſſion of the ſaid goods, the perſon ſo ſuſpected, and not giving ſuch ſatisfactory account, nor producing ſuch witneſs, ſhall be deemed convicted of the ſaid offence of ſtealing, or taking away the ſaid cloth, woollen goods, woollen yarn, or wooll; and ſhall for the firſt offence forfeit to the owner treble the value; and in default of payment, in the time appointed by ſuch juſtice, ſuch juſtice ſhall iſſue forth his warrant to levy the ſame by diſtreſs and ſale of the offender's goods; and in default

fault of ſuch diſtreſs, ſhall commit the offender to the common gaol of the place where he is apprehended, for three months, or until he pay the ſame; and if ſuch perſon again commit the ſaid offence, and be thereof convicted, then he ſhall, over and above the forfeiture of treble the value to be levied as aforeſaid, be committed to the common gaol for ſix months; and if ſuch perſon again commit the ſaid offence, and be thereof convicted, the juſtice before whom he is ſo convicted ſhall iſſue his warrant to commit the ſaid offender to the common gaol, there to remain till the next aſſizes or great ſeſſion, where he ſhall be tried; and in caſe ſuch offender ſhall not, by producing the party of whom he acquired the property or poſſeſſion of ſuch goods, or otherwiſe, prove to the ſatisfaction of the jury, that he lawfully obtained the property or poſſeſſion of the ſame, he ſhall be adjudged guilty of felony, and ſuffer tranſportation for 7 years, and be liable to the ſame puniſhment, and to the like methods of proſecution, trial, and conviction for returning from ſuch tranſportation, as other felons tranſported are liable unto.

CLXII. *Sect.* 10. If any perſon ſo ſuſpected and apprehended, ſhall find himſelf aggrieved by the judgement of any juſtice, it ſhall be lawful for ſuch perſon (unleſs he has twice before been convicted) to appeal unto the juſtices of peace in their next general quarter ſeſſions, who are to give ſuch relief, and make ſuch order therein, as to them ſeems meet; and ſuch judgement or order by them made upon the ſaid appeal ſhall be final.

CLXIII. *Sect.* 3. This act ſhall not alter or repeal any law for the puniſhment of perſons ſtealing or receiving ſuch cloth, woollen goods, woollen yarn, or wooll, except in ſuch caſes where the proof is laid upon the offender.

CLXIV. **Stat.** 25. *Geo.* 2. *cap.* 14. *ſect.* 1. It ſhall be lawful for any perſon to import into the port of *Lancaſter*, in the county palatine of *Lancaſter*, any wooll, or woollen or bay yarn, wooll fells, ſhortlings, mortlings, wooll flocks, or worſted yarn, from *Ireland*.

CLXV. *Sect.* 2. All ſuch importations of wooll, *&c.* from *Ireland*, into the ſaid port of *Lancaſter*, ſhall be made from ſuch ports only, and under the ſame regulations, as wooll or woollen yarn is permitted to be imported into the ports of *Biddeford*, *Barnſtaple*, *Minehead*, *Bridgewater*, *Briſtol*, *Milford Haven*, *Cheſter*, and *Liverpool*, and in the ſame manner, as if the ſaid port of *Lancaſter* had been named for the importation of the ſaid goods, in 10 & 11 *Wil.* 3. *cap.* 10. or in any other act of parliament.

CLXVI. **Stat.** 25 *Geo.* 2. *cap.* 19. *ſect.* 1. It ſhall be lawful for any perſon to import into the port of *Great Yarmouth* in the county of *Norfolk*, any wooll, or woollen or bay yarn, wooll fells, ſhortlings, mortlings, wooll flocks, and worſted yarn, from *Ireland*.

CLXVII. *Sect.* 2. All ſuch importations of wooll, *&c.* from *Ireland* into the ſaid port of *Great Yarmouth*, ſhall be made from ſuch ports only, and under the ſame regulations, as wooll or woollen yarn is permitted to be imported into the ports of *Biddeford*, *Barnſtaple*, *Minehead*, *Bridgwater*, *Briſtol*, *Milford Haven*, *Cheſter*, and *Liverpoole*, and in the ſame manner, as if the ſaid port of *Great Yarmouth* had been named for the importation of the ſaid goods, in 10 & 11 *Wil.* 3. *cap.* 10. or in any other act of parliament.

CLXVIII. **Stat.** 26. *Geo.* 2. *cap.* 8. *ſect.* 1. It ſhall be lawful for any perſon to import into the port of *Exeter*, any wooll, or woollen or bay yarn, wooll-fells, ſhortlings, mortlings, wooll-flocks, and worſted yarn, from *Ireland*.

CLXIX. *Sect.* 2. All ſuch importations of wooll, *&c.* from *Ireland* into the ſaid port of *Exeter*, ſhall be made from ſuch ports only, and under the ſame regulations as wooll or woollen yarn is now by law permitted to be imported into the ports of *Biddeford*, *Barnſtaple*, *Minehead*, *Bridgwater*, *Briſtol*, *Milford Haven*, *Cheſter*, *Liverpoole*, *Lancaſter*, and *Great Yarmouth*, and in the ſame manner, as if the ſaid port of *Exeter* had been named for the importation of the ſaid goods, in 10 & 11 *Wil.* 3. *cap.* 10. or in any other act of parliament.

CLXX. **Stat.** 26 *Geo.* 2. *cap.* 11. *ſect.* 1. It ſhall be lawful for any perſon to export from any port in *Ireland*, any wooll, or woollen or bay yarn, wooll fells, ſhortlings, mortlings, wooll flocks, and worſted yarn, to any port in *Great Britain*.

CLXXI. *Sect.*

CLXXI. *Sect.* 2. All ſuch exportations and importations of wooll, *&c.* from any port in *Ireland* into any port in *Great Britain*, ſhall be made under the ſame regulations, and in the ſame manner as wooll or woollen yarn is now by law permitted to be exported from *Dublin*, *Waterford*, *Youghall*, *Kinſale*, *Cork*, *Drogheda*, *New Roſs*, *Newry*, *Wexford*, *Wicklow*, *Sligoe*, *Limerick*, *Gallway*, and *Dundalk*, and imported into the ſeveral ports of *Biddeford*, *Barnſtaple*, *Minehead*, *Bridgewater*, *Briſtol*, *Milford Haven*, *Cheſter*, *Liverpoole*, *Lancaſter*, and *Great Yarmouth*.

CLXXII. **Stat.** 29 *Geo.* 2. *cap.* 33. *ſect.* 3. If any clothier, ſerge-maker, woollen or worſted ſtuff-maker, worſted or woollen yarn ſtocking-maker, or perſon concerned in making any woollen clothes, ſerges, ſtuffs, worſted or woollen yarn ſtockings, or any other perſon concerned for himſelf or another, in employing weavers, combers of jerſey, or wooll, worſted combers, ſpinners, knitters, or other labourers in the woollen manufactures, pay any perſon employed by him, his wages or other price in goods, or by way of truck, bill, or note, or in any other manner than in money, every perſon ſo offending, ſhall forfeit 20*l.*

CLXXIII. *Sect.* 4. The penalties made payable by this act, may be recovered by action of debt, by any perſon who ſhall ſue for the ſame; or may be levied upon conviction before any two juſtices of peace for the county or place where the offence is committed, either by the confeſſion of the party, or upon the oath of one witneſs, in caſe the ſame be not paid within 14 days after ſuch conviction, by diſtreſs and ſale of the goods of the offender, by warrant of ſuch juſtices, returning the overplus, after all charges paid; and for want of ſufficient diſtreſs, the ſaid juſtices ſhall commit the offender to the houſe of correction, for any time not exceeding three months, or until ſatisfaction be made.

CLXXIV. *Sect.* 5. If any of the penalties be levied upon conviction before the juſtices of peace, one moiety ſhall be paid to the poor of the pariſh where the offence was committed, and the other moiety to the informer.

CLXXV. *Sect.* 6. In caſe any action of debt be brought for any of the penalties, the defendant ſhall not be liable to any conviction before the juſtices of peace for the ſame offence; nor in caſe of information laid before the juſtices and conviction, ſhall the perſon offending be liable to an action of debt, for the penalties incurred by the ſame offence for which he hath been convicted before the juſtices.

CLXXVI. *Sect.* 7. It ſhall be lawful for any perſon who thinks himſelf aggrieved by any order of ſuch juſtices, to appeal to the next general or quarter ſeſſions, for the county or diviſion where ſuch order is made; ſuch perſon ſo appealing having firſt entered into a recognizance with ſecurity before ſuch juſtices, to proſecute and abide by the order made on ſuch appeal, and giving eight days notice in writing of ſuch appeal to the party in whoſe favour ſuch order hath been made; and the juſtices in ſeſſions are to determine ſuch appeal, and to make ſuch order, and to award ſuch coſts and damages, as to them ſeem reaſonable, and to levy by their warrants, ſuch coſts and damages by diſtreſs and ſale of the goods of any perſon refuſing to pay the ſame; and for want of ſufficient diſtreſs, to commit the party to the common gaol of the ſaid county or diviſion, for any time not exceeding three months, or until ſatisfaction be made; and ſuch order of the juſtices at ſeſſions ſhall be final; and no proceedings of any ſuch juſtice out of ſeſſions, or of the juſtices in ſeſſions, in purſuance of this act, ſhall be liable to be removed by *certiorari*, or other proceſs of law.

CLXXVII. *Sect.* 8. All proſecutions for offences againſt this act ſhall be commenced within three months after the offence committed.

CLXXVIII. **Stat.** 30 *Geo.* 2. *cap.* 12. *ſect.* 1. So much of the act 29 *Geo.* 2. *cap.* 33. as enacts, that it ſhall be lawful for the juſtices of peace at any general or quarter ſeſſions next after *Michaelmas* yearly, to make rates for the payment of wages to weavers, and others employed in the woollen manufactures, according to the number of yards that the chains are laid upon the warping bars, and not otherwiſe, ſhall be repealed.

CLXXIX. *Sect.* 2. All contracts or agreements made between any clothier or maker of mixed, medley, or white broad cloth, and the weavers employed by ſuch maker, in reſpect to any wages, ſhall be valid.

CLXXX. *Sect.* 3. The aforeſaid contracts or agreements ſhall extend only to the prices of workmanſhip or wages to be paid, and not to the payment thereof in any other manner than in money.

CLXXXI. *Sect.* 4. If any clothier or maker of any mixed, medley, or white broad cloth, neglect to pay to the weavers employed by him their wages or price agreed on in money, within two days next after the work is performed and delivered to ſuch employer, or ſome perſon on his behalf (the ſame being demanded) every ſuch clothier or perſon ſo offending, ſhall for every ſuch offence forfeit 40*s.* to be recovered in ſuch manner, and diſpoſed of, as the penalties made payable by 29 *Geo.* 2. *cap.* 33.

Wreck.

XIII. **Stat.** 26 *Geo.* 2. *cap.* 19. *ſect.* 1. If any perſon plunder, ſteal, take away, or deſtroy any goods or effects, from or belonging to any ſhip or veſſel of his Majeſty's ſubjects, or others, being in diſtreſs, wrecked, loſt, ſtranded, or caſt on ſhore, in any part of his Majeſty's dominions (whether any living creature be on board ſuch veſſel or not) or any of the furniture, tackle, apparel, proviſion, or part of ſuch veſſel; or beat or wound with intent to kill, or otherwiſe wilfully obſtruct the eſcape of any perſon endeavouring to ſave his life from ſuch ſhip, or the wreck thereof; or put out any falſe light with intention to bring any ſhip into danger, ſuch perſon ſo offending ſhall be deemed guilty of felony, and being convicted ſhall ſuffer death as in caſes of felony without benefit of clergy.

XIV. *Sect.* 2. When goods or effects of ſmall value be ſtranded, loſt, or caſt on ſhore, and be ſtolen without circumſtances of cruelty or violence, it ſhall be lawful for any perſon to proſecute for ſuch offence by way of indictment for petit larceny; and the offenders being convicted, ſhall ſuffer ſuch puniſhment as in caſes of petit larceny.

XV. *Sect.* 3. It ſhall be lawful for any juſtice of peace, upon information upon oath of any part of the cargo or effects belonging to any ſhip loſt or ſtranded upon or near the coaſts aforeſaid, being unlawfully carried away, or concealed in any houſe or place, or of ſome reaſonable ſuſpicion thereof, to iſſue his warrant for the ſearching of ſuch houſe or place, as in other caſes of ſtolen goods; and if the ſame be found in ſuch houſe or place, or in the cuſtody of any perſon not legally authorized or intitled to keep the ſame, and the owner or occupier of ſuch houſe or place, or the perſon in whoſe cuſtody the ſame be found, ſhall not upon demand deliver the ſame to the owner, or to ſuch perſon as ſhall be authorized to demand the ſame; or ſhall not give a good account, to the ſatisfaction of the juſtice, how he became poſſeſſed thereof; ſuch juſtice upon proof of ſuch refuſal, ſhall commit the offender to the common gaol for ſix months, or until he have paid to ſuch owner, or to the perſon authorized to receive the ſame, treble the value of the goods unlawfully detained.

XVI. *Sect.* 4. If any perſon offer to ſale any goods or effects belonging to any ſhip, loſt, ſtranded, or caſt on ſhore, and unlawfully taken away, or ſuſpected ſo to have been; it ſhall be lawful for the perſon to whom the ſame be ſo offered for ſale, or any officer of the cuſtoms or exciſe, or any conſtable, or other peace officer, to ſtop and ſeize the ſaid goods and effects; and he ſhall carry the ſame, or give notice of ſuch ſeizure, to ſome juſtice of peace; and if the perſon who offered the ſaid goods to ſale, or ſome other perſon on his behalf, appear not before the ſaid juſtice, within 10 days next after ſuch ſeizure, and make out the property of the ſaid goods to be in him, or in the perſon by whom he was employed to ſell the ſame; the ſaid goods ſhall, by order of the juſtice be delivered over to or for the uſe of the rightful owner, upon payment of a reaſonable reward for ſuch ſeizure (to be aſcertained by the juſtice) to the perſon who ſeized the ſame; and ſuch juſtice ſhall commit the perſon who ſo offered the ſaid goods to ſale, to the common gaol for ſix months, or until he have paid to ſuch lawful owner or to the perſon authorized to receive the ſame treble the value of the goods ſo unlawfully offered to ſale.

XVII. *Sect.* 5. In caſe any perſon not employed by the maſter, mariners, or owners, or other perſons lawfully authorized, in the ſalvage of any ſhip, or the cargo or proviſion thereof, in the abſence of perſons ſo employed or authorized, ſave any ſuch

ſhip

ſhip or effects, and cauſe the ſame to be carried, for the benefit of the owners, into port, or to any near adjoining cuſtom-houſe or other place of ſafe cuſtody, giving notice to ſome juſtice of peace, magiſtrate, or cuſtom-houſe or exciſe officer, or diſcover to any ſuch magiſtrate or officer where any ſuch effects are wrongfully bought, ſold, or concealed, ſuch perſon ſhall be intitled to a reaſonable reward to be paid by the maſters or owners of ſuch veſſels or goods, and to be adjuſted in caſe of diſagreement, in like manner as the ſalvage is to be adjuſted and paid by 12 *Ann. ſt.* 2. *cap.* 18. or in the manner herein after preſcribed.

XVIII. *Sect.* 6. For the better aſcertaining the ſalvage to be paid in purſuance of this act and the act before mentioned, and for putting them in execution, the juſtice of the peace, mayor, bailiff, collector of the cuſtoms, or chief conſtable, neareſt to the place where any ſhip or goods be ſtranded or caſt away, ſhall forthwith give public notice for a meeting to be held as ſoon as poſſible of the ſheriff or his deputy, the juſtices of the peace, mayors, or other chief magiſtrates of towns corporate, coroners, and commiſſioners of the land-tax, or any five or more of them, who are to give aid in the execution of this and the ſaid former act, and to employ proper perſons for the ſaving of ſhips in diſtreſs, and ſuch ſhips and effects as be ſtranded or caſt away; and alſo to examine perſons upon oath concerning the ſame, or the ſalvage thereof, and to adjuſt the *Quantum* of ſuch ſalvage, and diſtribute the ſame among the perſons concerned in ſuch ſalvage, in caſe of diſagreement; and every ſuch ſheriff, juſtice of peace, mayor, chief magiſtrate, coroner, lord of a manor, under ſheriff, or commiſſioner of the land-tax, acting at ſuch meeting, ſhall be paid 4*s.* a day for his expences out of the effects ſaved.

XIX. *Sect.* 7. If the charges and rewards for ſalvage, directed to be paid by 12 *Ann. ſt.* 2. *cap.* 18. and by this act, be not paid, or ſufficient ſecurity given for the ſame within 40 days, it ſhall be lawful for the officer of the cuſtoms concerned in ſuch ſalvage, to borrow money ſufficient to pay ſuch charges and rewards, or any part thereof then unpaid or not ſecured, upon one or more bills of ſale, under his hand and ſeal, of the ſhip or cargo ſaved, or ſuch part thereof as is ſufficient, redeemable upon payment of the ſum ſo borrowed, and intereſt after the rate of four *per cent. per annum.*

XX. *Sect.* 8. If oath be made before any magiſtrate lawfully impowered to take the ſame, of any ſuch plunder or theft, and the examination in writing thereupon taken be delivered to the clerk of the peace of the county or diviſion wherein ſuch fact is committed, or to his deputy; or if oath be made before any ſuch magiſtrate of the breaking any ſhip, contrary to the 12 *Ann. ſtat.* 2. *cap.* 18. and the examination in writing thereupon taken, be delivered to ſuch clerk of the peace, or his deputy; ſuch clerk of the peace ſhall cauſe the offender to be proſecuted for the ſame, either in the county where the fact is committed, or in any county next adjoining; in which adjoining county any indictment may be laid by any other proſecutor; and if the fact be committed in *Wales*, then the proſecution ſhall be carried on in the next adjoining *Engliſh* county; and the charges of ſuch proſecutions by the clerk of the peace, ſhall be paid by the treaſurer of the county or diviſion where the fact is committed, to ſuch amount as the juſtices of the peace in their ſeſſions order; and if ſuch clerk of the peace neglect to carry on ſuch proſecution, he ſhall forfeit 100 *l.* for every ſuch offence, to any perſon who ſhall ſue for the ſame by action of debt, *&c.* in any court of record at *Weſtminſter*; in which no eſſoin, *&c.* ſhall be allowed.

XXI. *Sect.* 9. The commiſſioners of the land-tax, the deputy ſheriff, the coroner, and the officers of exciſe in each county, riding, and diviſion, ſhall be proper officers for putting in execution this act and the 12 *Ann. ſt.* 2. *cap.* 18. with thoſe therein named, for that purpoſe.

XXII. *Sect.* 10. The lord warden of the cinque-ports, and the lieutenant of *Dover Caſtle*, and the deputy warden of the cinque-ports, and the judge official, and commiſſary of the court of admiralty of the cinque-ports, two ancient towns, and the members thereof, and every of them, and every other perſon appointed by the lord warden of the cinque-ports, purſuant to 3 *Geo.* 1. *cap.* 13. ſhall be the perſons to put in execution, within the juriſdiction of the cinque-ports two ancient towns and their members, all the powers given by this act, and the 12 *Ann. ſt.* 2. *cap.* 18. and the 4 *Geo.* 1. *cap.* 12.

XXIII. *Sect.*

XXIII. *Sect.* 11. If any ſheriff, or his deputy, juſtice of peace, mayor, or other magiſtrate, lord of a manor, commiſſioner of the land-tax, chief conſtable, or petty conſtable, or other peace officer, or any cuſtom-houſe or exciſe officer, or other perſon lawfully authorized, be aſſaulted, beaten, and wounded, for the exerciſe of his duty in the ſalvage of any ſhip in diſtreſs, or of any ſhip or goods ſtranded, wrecked, or caſt on ſhore, or lying under water, in any of his Majeſty's dominions, any perſon ſo aſſaulting, beating, and wounding, ſhall upon conviction by indictment at the aſſizes or general gaol delivery, or at the general or quarter ſeſſions for the county or diviſion where ſuch offence is committed, be tranſported for ſeven years to ſome of his Majeſty's colonies in *America*, and be ſubject to ſuch puniſhment, in caſe of return before that time, as other perſons under ſentence of tranſportation.

XXIV. *Sect.* 12. It ſhall be lawful for any juſtice of peace, in caſe of need, and in the abſence of the high ſheriff, to take ſufficient power of the county, to repreſs all unjuſt violence, and to enforce the execution of this act.

XXV. *Sect.* 13. All perſons ſo aſſembled to ſave any ſhip or goods ſhall conform in the firſt place to the orders of the maſter or other officers or owners, or other perſons employed by them; and for want of their preſence or directions, to the orders of the perſons authorized by this act or the 12 *Ann. ſt.* 2. *cap.* 18. in the following ſubordination, as any of them happen to be preſent; *viz.* in the firſt place, to the orders of any officer of the cuſtoms, then of any officer of the exciſe, then of the ſheriff or his deputy, then of any juſtice of peace, then of the mayor or chief magiſtrate of any corporation, then of the coroner, then of any commiſſioners of the land-tax, then of any chief conſtable, then of any petty conſtable or other peace officers: and any perſon acting wilfully contrary to ſuch orders, ſhall forfeit any ſum not exceeding 5*l.* to be levied by warrant of one juſtice of peace; and in caſe of nonpayment the offender ſhall be committed to the houſe of correction for any time not exceeding three months.

XXVI. *Sect.* 14. This act ſhall not prejudice his Majeſty, or any grantee of the crown, or any lord of manor, or other perſon in any right to any wreck, or goods which are *flotſam*, *jetſam*, or *lagan*.

XXVII. *Sect.* 15. The officer of the cuſtoms who acts in the preſerving of any ſhip in diſtreſs or the cargo, ſhall, as ſoon as may be, cauſe all perſons belonging to the ſaid ſhip, and others who can give any account thereof or of the cargo, to be examined upon oath before ſome juſtice of peace, as to the name or deſcription of the ſhip, and the names of the maſter or chief officer and owners thereof and of the cargo, and of the ports from or to which the ſaid ſhip was bound, and the occaſion of the ſaid ſhip's diſtreſs; which examination the ſaid juſtices are to take in writing; and they ſhall deliver a copy thereof, together with a copy of the account of the goods, to the ſaid officer of the cuſtoms, who ſhall forthwith tranſmit the ſame to the ſecretary of the admiralty; who ſhall publiſh in the next *London Gazette* ſo much thereof as is neceſſary for the information of perſons intereſted.

XXVIII. *Sect.* 16. The 12 *Ann. ſt.* 2. *cap.* 18. and the 4 *Geo.* 1. *cap.* 12. ſhall remain in force, ſave only ſo far as the ſame are altered by this act.

XXIX. *Sect.* 17. This act ſhall take place from the 29th of *September* 1753.

XXX. *Sect.* 18. Nothing in this act ſhall extend to *Scotland*. *See* **Ships.**

F I N I S.

INDEX.

THE following is a table of references. The ſeveral heads in the index that are not titles in the book, are printed in Roman *characters: thoſe which are titles in the book are diſtinguiſhed by* black *letters. And beſide the common uſe, of pointing out where to find any ſtatutes relating to ſuch heads, as are not made general titles in the book; this index may have ſome peculiar uſes, that are beſt explained by an example. Suppoſe you have been looking in vain under title* **Ships**, *for the ſtatute which obliges maſters of ſhips to make entry of their foreign ſails; conſult title* **Ships** *in the index, and You are referred to* **Sail-cloth** XXVII. XXVIII. *which is the ſtatute ſought.——There is alſo another uſe; Suppoſe You want the ſtatute before mentioned, and know it is abridged under title* **Sail-cloth**, *You may find it without the trouble of ſearching all through that title, by conſulting this index: for under title* **Ships** *in the index, You are referred to the particular paragraphs under title* **Sail-cloth** *in the book, where this ſtatute is to be found,* viz. **Sail-cloth** XXVII. XXVIII.——*It may likewiſe have a farther uſe; If You want to read all the ſtatutes in force relating to any one title, after looking over that title in the book, conſult the ſame title in the index, and there You are referred to the ſeveral other titles in the book, where any ſtatutes are to be found relating to the ſame ſubject.*

Accountant general.

Chancery 37, &c.

Adminiſtrators.

Life eſtates 10.

Admiralty.

Ships 166, &c. 216, 229, 234, 242.

Advertiſements.

Affidavits.

Lancaſter 14.

African company.

Ale. *See* Beer.

Alehouſes and drunkenneſs.

Brand 133, 177.
Plays, &c. 46, &c. 52, &c.
Scotland.
Stamps 190.

Aliens.

Plantations 124.
Ships 191.

Annuities.

Apothecaries. *See* Phyſicians.

Brandy 129.

Apprentices.

Attornies 50, &c.
Poor 93.
Seamen 186.

Arms.

Gunpowder 43.
Scotland.

Arrack. *See* Brandy.

Arreſts. *See* Suits.

Attornies 33, 43.
Priſons 155, 157.
Seamen 198, 199.

Artificers.

Wool 172, 178.

Aſhes.

Plantations 106, &c.

INDEX.

Aſſiſes.

Exchequer 86.

Attornies.

Debt 88, 132.

Ballaſt.

Harbours 347.
Ships 254, &c.

Bank of England.

Bankrupts.

Debt 131.

Barbers. *See* Phyſicians.

Bargain and ſale.

Paving 237.

Baſtardy.

Vagrants 71.

Bawdy-houſes.

Beads.

Bedford level.

Fens 154, 157, 160, 162, 165.

Beggars.

Vagrants 47, &c.

Beer and ale.

Exciſe 140, &c.
Scotland, Edinburgh, 1, &c.
Stamps 190, &c.

Bent.

Berwick.

Wales 246.

Bills and notes.

Plantations 115, &c.

Books, &c.

Buttomry.

Bankrupts 96.
Inſurance 34.

Brandy, &c. *See* Alehouſes.

Alehouſes 63, 71.
Cuſtoms 389.

Bread.

Brewers.

Brandy 165, 179.

Bribes.

Weſt 151.

Bridges.

County rates 13, 14.

Broad wheels.

Highways 251, 257, 258, 271, 274, 277, 284, &c.

Brokers and ſtockjobbers.

Buckingham.

Juſtices of aſſiſe 20, 21.

Calendar.

Fiſh 176.
London 133, 134.

Cambrick.

Linen 65, &c. 96, &c.

Candles.

Captains. *See* Soldiers.

Cards and dice.

Stamps 204, &c.

Carolina. *See* Plantations.

Carriage. *See* Game.

Coaches 66.
Rivers 91.

Carts.

Coaches 40, &c. 61, 63, 64, 65.
Highways 228, 236, 238, 239, 241, &c. 251, &c. 276, 277, 280, 284, &c. 293.
Paving 226, 227.

Cattle.

Certiorari.

Bread 58.
Bridges 167.
Candles 51, 58.
Coals 113.
County rates 18, 21.
Fiſh 205.
Juſtices 55.
Labourers 55.
Lotteries 30.
Manufactures 54.
Paving 253.
Plays 58.
Ships 276, 279.
Swearing 8.
Vagrants 77.
Wines 54.

Ceſtuy que vie. *See* Life eſtates.

Chairs. *See* Coaches.

Challenge.

Juries 101.

Chancery.

INDEX.

Chancery.

King 117.
Leaſes 22, &c.
Marriages 25.

Chaplains.

Scotland Oaths 1, 6.

Chelſea hoſpital.

Soldiers 109, &c.

Cheſter.

Chocolate. *See* Coffee.

Civil liſt.

King 112, &c.

Clergy.

Clerk of the peace.

Alehouſes 57, 63, 65.
Attornies 61.
Brandy 160.
Juſtices of peace 76, &c.
Rivers 89.
Wreck 20.

Clocks and watches.

Manufactures 46.

Coaches, chairs, &c.

Coals and coal-trade.

Orphans 26.

Cochineal and indico.

Cocoa-paſte. *See* Coffee.

Coffee, tea, &c.

Cuſtoms 389.

Coining. *See* Money.

Common.

Calendar 5, 7.
Woods 54, &c.

Conſtables.

Bawdy houſes.
Juſtices of peace 60.

Copyholds.

Parliament 160.

Cordwainers.

Corn.

Brandy 191, 201, 202.
Bread 43, 50.
London 200, &c.
Scotland.

Cornwall.

Coroner.

Coſts. *See* Damages.

Cuſtoms 362, 380.
Felony 87.

Cotton.

Manufactures 46.

County and turn.

Attornies 46.

County rates.

Priſons 134.
Vagrants 54.

Courts martial.

Ships 224, 227, &c.

Courts of conſcience.

Debt 3, 22, 41, 66, 88, 95, 96.
London 106.

Crown. *See* King.

Culm. *See* Coals.

Curriers. *See* Cordwainers.

Cuſtoms.

Beads.
Coals 88, 117, 119, 121, 123, &c.
Cochineal 5, &c.
Drugs 11, 12, &c.
Exciſe 139.
Fiſh 157, 162, &c. 192, 214.
Glaſs 1, &c. 16, &c.
Greenland 15, &c. 19, 21.
Linen 77, &c.
Manufactures 49, 51.
Sail cloth 26, &c.
Scotland corn, fiſhery.
Wine 56, &c.

Cyder. *See* Malt.

Days in bank.

Debt and debtors.

Brandy 155.
London 106.

Debt to and from the King.

Debt and debtors 141.

Diſtillers.

Brandy 141, &c. 154, 161, 165, 199, &c.

Diſtreſs.

Juſtices of peace 73, &c.

INDEX.

Aſſiſes.

Exchequer 86.

Attornies.

Debt 88, 132.

Ballaſt.

Harbours 347.
Ships 254, &c.

Bank of England.

Bankrupts.

Debt 131.

Barbers. *See* Phyſicians.

Bargain and ſale.

Paving 237.

Baſtardy.

Vagrants 71.

Bawdy-houſes.

Beads.

Bedford level.

Fens 154, 157, 160, 162, 165.

Beggars.

Vagrants 47, &c.

Beer and ale.

Exciſe 140, &c.
Scotland, Edinburgh, 1, &c.
Stamps 190, &c.

Bent.

Berwick.

Wales 246.

Bills and notes.

Plantations 115, &c.

Books, &c.

Buttomry.

Bankrupts 96.
Inſurance 34.

Brandy, &c. *See* Alehouſes.

Alehouſes 63, 71.
Cuſtoms 389.

Bread.

Brewers.

Brandy 165, 179.

Bribes.

Wool 151.

Bridges.

County rates 13, 14.

Broad wheels.

Highways 251, 257, 258, 271, 274, 277, 284, &c.

Brokers and ſtockjobbers.

Buckingham.

Juſtices of aſſiſe 20, 21.

Calendar.

Fiſh 176.
London 133, 134.

Cambrick.

Linen 65, &c. 96, &c.

Candles.

Captains. *See* Soldiers.

Cards and dice.

Stamps 204, &c.

Carolina. *See* Plantations.

Carriage. *See* Game.

Coaches 66.
Rivers 91.

Carts.

Coaches 40, &c. 61, 63, 64, 65.
Highways 228, 236, 238, 239, 241, &c. 251, &c. 276, 277, 280, 284, &c. 293.
Paving 226, 227.

Cattle.

Certiorari.

Bread 58.
Bridges 167.
Candles 51, 58.
Coals 113.
County rates 18, 21.
Fiſh 205.
Juſtices 55.
Labourers 55.
Lotteries 30.
Manufactures 54.
Paving 253.
Plays 58.
Ships 276, 279.
Swearing 8.
Vagrants 77.
Wines 54.

Ceſtuy que vie. *See* Life eſtates.

Chairs. *See* Coaches.

Challenge.

Juries 101.

Chancery.

INDEX.

Chancery.

King 117.
Leaſes 22, &c.
Marriages 25.

Chaplains.

Scotland Oaths 1, 6.

Chelſea hoſpital.

Soldiers 109, &c.

Cheſter.

Chocolate. *See* Coffee.

Civil liſt.

King 112, &c.

Clergy.

Clerk of the peace.

Alehouſes 57, 63, 65.
Attornies 61.
Brandy 160.
Juſtices of peace 76, &c.
Rivers 89.
Wreck 20.

Clocks and watches.

Manufactures 46.

Coaches, chairs, &c.

Coals and coal-trade.

Orphans 26.

Cochineal and indico.

Cocoa-paſte. *See* Coffee.

Coffee, tea, &c.

Cuſtoms 389.

Coining. *See* Money.

Common.

Calendar 5, 7.
Woods 54, &c.

Conſtables.

Bawdy houſes.
Juſtices of peace 60.

Copyholds.

Parliament 160.

Cordwainers.

Corn.

Brandy 191, 201, 202.
Bread 43, 50.
London 200, &c.
Scotland.

Cornwall.

Coroner.

Coſts. *See* Damages.

Cuſtoms 362, 380.
Felony 87.

Cotton.

Manufactures 46.

County and turn.

Attornies 46.

County rates.

Priſons 134.
Vagrants 54.

Courts martial.

Ships 224, 227, &c.

Courts of conſcience.

Debt 3, 22, 41, 66, 88, 95, 96.
London 106.

Crown. *See* King.

Culm. *See* Coals.

Curriers. *See* Cordwainers.

Cuſtoms.

Beads.
Coals 88, 117, 119, 121, 123, &c.
Cochineal 5, &c.
Drugs 11, 12, &c.
Exciſe 139.
Fiſh 157, 162, &c. 192, 214.
Glaſs 1, &c. 16, &c.
Greenland 15, &c. 19, 21.
Linen 77, &c.
Manufactures 49, 51.
Sail cloth 26, &c.
Scotland corn, fiſhery.
Wine 56, &c.

Cyder. *See* Malt.

Days in bank.

Debt and debtors.

Brandy 155.
London 106.

Debt to and from the King.

Debt and debtors 141.

Diſtillers.

Brandy 141, &c. 154, 161, 165, 199, &c.

Diſtreſs.

Juſtices of peace 73, &c.

Diſtribution.

INDEX.

Distribution.

Life estates 10.

Drapery.

Drugs.

Drunkenness. *See* Alehouses.

Duchy. *See* Lancaster.

East-india company.

Coffee 70, 71, 73, 74, 75.
Customs 383.

Elections.

Parliament 127, 131, &c. 147, &c. 160.

Embroidery.

Gold, &c. 114, &c.

England.

Wales 246.

Escape.

Prisons 129, &c.

Estates for life. *See* life estates.

Evidence.

Hay 26.
Scotland Evidence, Nonconformists 16.

Exchequer and exchequer-bills.

Excise.

Brandy 115, &c. 125, 137, &c. 144, &c. 148, 153, 162, &c. 176, 181, 185, 187.
Candles 45, &c.
Coaches 44, &c.
Coffee 66, &c. 79, &c. 85, &c.
Customs 365, &c. 397, &c.
Glass.
Gold, &c. 123, &c. 138, &c.
Wool 150.

Extortion.

Coroner 10.

False tokens.

Fees.

Attornies 45.
Justices of peace 67, &c.

Felons and felony.

Advertisement.
Brandy 152, 171.
Bridges 143, 177.
Clergy 49.
Debt 127, 147.
Evidence 3.
Foreign states.
Forgery.
Gold, &c. 151.
Linen 61, &c.
Marriages 21, 29.
Piracy.
Plague 11, 17, 19, 27.
Prisons 129, &c.
Seamen 194.
Sheep 21, &c. 24.
Sheriffs 102.
Stamps 200, 208, 226, 244.
Treason 76, 78.
Wool 152, 161.
Wreck 13.

Feme covert.

Leases 22.

Fens and marshes.

Felony, the note at the end.
Poor 75.

Fines.

Sheriffs 94, &c.

Fire.

Forests 75.

Fish and fishery.

London 113, 155, &c. 221.
Scotland.

Flax and hemp. *See* Linen.

Foreign liquors. *See* Brandy.

Foreign states.

Manufactures 46, &c.

Forests.

Forfeitures.

Scotland.

Forgery.

Bank 119.
Marriages 29.

Fortifications.

Franchises.

Justices of peace 36.

Funds. *See* South-sea company.

Furs.

Manufactures 34, &c.

Game.

Scotland.

Games. *See* Plays.

Gaming. *See* Lotteries and Plays.

Gaols. *See* Prisons.

Glass.

Beads.

INDEX.

Gold and ſilver.

Greenland.

Naturalization 22.

Greenwich hoſpital.

Fiſh 192, 223.
Seamen 125, &c. 169.
Ships 178, 183, 205, 210, 216, 219.

Gunpowder.

Hanaper.

Chancery 41, &c.

Harbours.

Scotland Fiſhery.

Hats and caps.

Manufactures 34, &c.

Hawkers and pedlars.

Stamps 189, 225.

Hay and Hay-market.

Heir.

Naturalization 27, 28.

Herrings. *See* Fiſh.

Scotland Fiſhery.

Highland-dreſs.

Scotland Arms.

Highways.

Coaches 61, &c. 71, &c.
Scotland.

Highwaymen. *See* Felony, Robbery.

Horſes.

Houſes.

Fire per tot.

Houſes of correction.

Juſtices of peace 36.
Vagrants 45, 76, &c.

Hundreds.

Bread 35.
Cuſtoms 370, 371, 372, 373.
Robbery 45, 46.
Woods 62.

Idiots and lunaticks.

Vagrants 66.

Jews.

Marriages 31.
Naturalization 11.

Indemnity.

Scotland Juſticiary.

India goods and callicoes.

Ireland 72.

Indico. *See* Cochineal.

Infants.

Leaſes 22.
Marriages 24.

Infection. *See* Plague.

Inſolvent debtors.

Debt 102, &c.

Inſurance.

Bankrupts 96.
Greenland 25.
Scotland Edinburgh 23.
Wool 155, 159.

Journeymen. *See* Cordwainers, Labourers, Manufactures, Plays, *&c.* Wool.

Ireland.

Candles 45, 54.
Cattle 34.
Coffee 79, &c.
Flax 7.
Glaſs 19, &c.
Linen 55, 57, &c. 81, &c.
Lotteries 38.
Sailcloth 41, &c.
Seamen 124.
Tallow.
Vagrants 60.
Victuals 28, &c.
Wool 131, &c. 164, 166, 168, 170.

Iron.

Manufactures 23, &c. 34, &c. 46.

Juriſdiction.

Scotland.

Juries.

Juſtices of aſſiſe.

Perjury 18.
Priſons 162.
Rivers 93.

INDEX.

Justices of both benches.

Houses 55.

Justices of gaol-delivery.

Perjury 18.

Justices of peace.

Alehouses 54, &c.
Apprentices 29, 30.
Bawdy houses.
Brandy 131, 150, 157, 165, 179.
Bread per tot. 53.
Bridges 137.
Brokers 43, &c.
Carriage 3.
Certiorari 9.
Clocks 2, &c.
Coaches 66, & per tot.
Coals 89, 111, &c.
Cordwainers 75, 76, 77.
Drapery 366.
Fish 206.
Gunpowder.
Labourers 52, &c.
Manufactures.
Plays 61.
Ships 270, &c.
Stannaries 8.
Stores 41.
Swearing.
Vagrants.
Wreck 18, 24.

King and royal family.

Brandy 191.
Cornwall.
Justices of both benches 11, &c.
Marriages 31.

King's bench.

County rates 23.
Prisons 137, &c.

Lancaster.

Chester 10.

Land-tax.

Bridges 156.

Lead.

Felony 84, 89, &c.

Leases.

Leather.

Cordwainers 72, &c.
Manufactures 26, &c. 34, &c.

Letters.

False tokens 4.
Felony 88.

Letters of attorney. *See* Warrants of attorney.

Libraries.

Licence.

Alehouses 54, &c.
Brandy 125, &c. 148, &c. 156.
Gold, &c. 139, &c.
Marriages 17.
Plays 46, &c.
Stamps 190.
Sweets 10, 11, 12.

Life estates.

Linen.

Manufactures 23, &c. 34, &c.
Scotland.

Linseed. *See* Linen.

Lobsters. *See* Fish.

London 156.

London.

Bread 64.
Bridges 138, &c.
Carriage 3.
Cattle 33.
Coaches 66, &c.
Fire per totum.
Orphans.
Paving 185, &c. 228, &c.
Ships 265, &c.
Southwark.

Longitude.

Ships 250, &c.

Lotteries.

Lunaticks. *See* Idiots.

Leases 22.
Vagrants 66.

Madder. *See* Drugs.

Malt, mum, cyder, &c. *See* Corn.

Manufactures.

Mariners. *See* Seamen.

Marriages.

Idiots 5.

Marshalsea.

County rates 23.
Debt 38, 62.

Marshes. *See* Fens.

Merchants.

Seamen 129, &c.

INDEX.

Middlesex.

County rates 15, 20.
Debt 66, &c.
Justices of peace 72.
Prisons 136.

Mills.

Bread 50, 53.

Mines.

Coals 88.
Felony 84.

Ministers.

Scotland.

Mohair.

Manufactures 34, &c. 46.

Money.

Mortuaries.

Mum. *See* Malt.

Murder.

Scotland Arms 11.

Museum. *See* Libraries.

Naturalization.

Plantations 124.

Naval stores. *See* Stores.

Navigation. *See* Ships.

News.

Stamps 189.

New-stile. *See* Calendar.

Nisi prius.

Exchequer 86.
Perjury 18.

Nonconformists.

Naturalization 16, &c.
Scotland.

Nonsuit.

North-west passage.

Ships 192, &c.

Oaths.

Justices of peace 76, &c.
Naturalization 16.
Nonconformists 57, 65, 66.
Scotland Arms 25.
Nonconformists Oaths.

Officers.

Taxes 143, &c. 174, &c.

Orphans.

Outlawry.

Scotland.

Oyer and Terminer.

Justices of gaol delivery 2.

Oysters. *See* Fish.

Palaces.

Lotteries 33.

Paper.

Customs 407.

Parchment and vellum. *See* Stamps.

Pardon.

Parliament.

Bank 118.
King 107.
Plays, &c. 42.
Register 59.
Scotland Nonconformists 11, 12. Parliament.

Party walls.

Fire 30, &c.

Paving, watching lighting and cleansing.

London, &c. 169, &c.
Scotland Edinburgh 9, &c.

Pawns and pawnbrokers. *See* Brokers.

Brandy 155.
Gold, &c. 153.

Pedlars. *See* Hawkers.

Peers.

Scotland Nonconformists 11, &c.

Pensions. *See* Officers.

Taxes 143, &c. 174, &c.

Perjury.

Debt 127.
Ships 240.

Perry. *See* Malt.

Persia.

Russia 4, &c.

Physicians, apothecaries and surgeons.

Piracy.

Plague.

Plantations.

INDEX.

Plantations.

Brandy 108, &c. 182, 189, 206, &c.
Brokers 40, &c.
Cochineal 5, &c.
Coffee 79, &c.
Iron 8, &c. 22.
Naturalization 10, &c. 16, &c.
Nonconformists 60, &c.
Ships 186, 198, &c. 252.
Silk 58, &c.
Tobacco 60, &c.

Plate. *See* Gold, &c.

Plays and Games.

Lotteries 25, 36.

Poor.

Bridges 156.
County rates.
Houses 58.
Woods 55, 64.

Ports.

Scotland Fishery.
Ships 164.

Post-fines.

Sheriffs 94, &c.

Post-office.

Pot-ashes.

Plantations 106, &c.

Premunire.

King 111.

Pressing.

Seamen 120.

Prisons.

Alehouses 73.
Attornies 48, 49.
Brandy 156.
Scotland.

Privateers.

Insurance 31.
Ships 166, &c. 189.

Privilege.

Plays, &c. 42.

Prizes.

Ships 165, &c. 196, 207, 221, 222.

Probate of wills.

Seamen 193.

Process.

Attornies 33, 43.

Purchasers.

Recoveries 14.

Quakers. *See* Nonconformists.

Attornies 47.
Marriages 31.
Naturalization 11.

Quarentine. *See* Plague.

Quarter Sessions. *See* Justices of peace.

Attornies 59.

Races. *See* Horses.

Recognizance.

Alehouses 54, 57, 60.

Recoveries.

Regency.

King, &c. 90, &c.

Return of writs.

Chester 10.

Rivers.

Fish 193.

Robbery.

Rogues. *See* Vagrants.

Russia.

Sacrament. *See* Service, &c.

Sadlers. *See* Cordwainers.

Sail-cloth.

Salmon.

Fish 172.

Salt.

Scotland Fishery.

Salvage.

Ships 184.
Wreck 17, &c.

Schools.

Scotland Forfeited estates, Schools.

Scotland.

Bent 4.
Brandy 130, 169.
Calendar 4.
Houses 66, &c.
Linen 55, 57, &c. 81, &c.
Marriages 31.
Wine 65.

Seamen.

Candles 59.
Greenland 14, 20.
Plantations 95.
Ships 198, &c.

Service and Sacraments.

Recusants 128.

Sheep.

Sheriffs.

Franchises 36.
Scotland Jurisdictions. Sheriffs.

Ships.

INDEX.

Ships.

Clergy 49.
Coals 117.
Greenland.
Manufactures 50.
Plague.
Plantations 101, &c.
Sailcloth 27, 28, 29, 37.
Seamen 116, &c.
Tabacco 85.
Wool 141.

Shoemakers. *See* Cordwainers.

Silk.

Manufactures 34, &c.

Silver. *See* Gold.

Smugglers.

Customs 363, 365, &c. 397, &c.

Snuff. *See* Tobacco.

Soldiers.

East India company 91, &c.
Foreign states.
Nonconformists 60.
Plantations 124, &c.

Sope.

Candles 45, &c.

South-Sea company.

Southwark.

Debt 3, 96.

Spiritualty.

Marriages 26.

Spirituous Liquors. *See* Brandy.

Stage. *See* Plays.

Stamps.

Sweets 12.
Wine 63.

Stannaries.

Star. *See* Bent.

Starch and hair-powder.

Candles 45, &c.

Starr. *See* Bent.

Stile new. *See* Calendar.

Stones.

Customs 392.

Straw.

Hay 10, &c.

Sugar.

Customs 387, 409.

Plantations 84, &c.

Suits.

Insurance 36.
Plays 61.

Summons.

Excise 137.

Surgeons.

Murder 10.
Physicians 25, &c.

Swearing.

Sweets.

Tail.

Debt 143.
Scotland.

Tallow.

Tanners. *See* Cordwainers.

Taverns. *See* Alehouses.

Taxes.

King, &c. 82.

Tea. *See* Coffee.

Tender.

Justices of peace 56, 58.
Plays 61.

Tenures.

Scotland.

Test.

Recusants 128.

Thames.

Fish 193, &c.
Rivers 83, &c.
Ships 254, &c.

Tin.

Coals 88.

Tithes.

Bridges 155.
Drugs 18, &c.
Paving 249.

Title-deeds.

Scotland.

Tobacco.

Customs 405.

Tower Hamlets.

Debt 41.

Transportation.

Customs 367.
Felony 81, 84, 85, 89.
Treason 76, 80.

Treason.

King 101, 108.
Money 77.
Scotland Outlawry. Treason.

Trees. *See* Woods.

Trespass.

Drugs 22.
Poor 85.

INDEX.

Trial.

Cuſtoms 369.
Foreign ſtates 8.
Scotland Treaſon. Trial.
Treaſon 74, 75, 79.

Turkey company.

Turnips.

Treſpaſs 8, 9.

Vagrants.

Velvets.

Silk 63, &c.

Venire.

Cuſtoms 369.
Trial 12.

Victuals.

Plantations 140, &c.

Victuallers. *See* Alehouſes, Wine.

Univerſities.

Alehouſes 67.
Juſtices of peace 54.
Soldiers 108.
Wine 54.

Wages.

Manufactures 28.
Wool 172, 178.

Waggons. *See* Coaches.

Wales.

Warrants of attorney.

Seamen 191, 192.
Ships 196, 209, 214.

Weavers.

Manufactures 45.

Weights and meaſures.

London, &c. 17.

Weſtminſter. *See* London.

Coaches 66, &c.
Coals 91, &c.
County rates 16.
Debt 22, 88.
London 113, 135, &c. 169, &c. 200, &c.

Widows.

Seamen 123, 170.

Wills.

Windows. *See* Houſes.

Scotland Houſes.

Wines.

Cuſtoms 395.
Sweets 10, 11, 12.

Wire.

Gold, &c. 101, &c.

Witneſſes.

Alehouſes 69.
Coaches 77.
Evidence 3.
Hay 26.
Paving 252.
Plays 56.
Ships 271, &c.
Wills 18, &c.

Women.

Vagrants 71.

Woods.

Wooll and woollen manufacture.

Manufactures 23, &c. 34, &c. 46, 48.

Wreck.

Harbours 350.
Ships 244.

Writs.

Poſt office 49.
Sheriffs 91, 92.

Yarn.

Linen 77, &c. 93.
Wool.

FINIS.